The Library of Congress'

EARLY STATE RECORDS PROJECT

converted from the original microfilm held by the
Vincent C. Immel Law Library, Saint Louis University

through the generous support of a grant from the

Council on Library and Information Resources

LAWS

Presented to the State by
Mrs Beckwith, a daughter of
George Roulstone, by hand
of A. W. Putnam

OF THE

Tennessee Laws, statutes etc.

STATE

OF

TENNESSEE.

KNOXVILLE,

PRINTED AND PUBLISHED BY GEORGE ROULSTONE.

c1803

L. C. copy 1

Law office

46

394

To the PUBLIC.

THE ſcarcity of complete ſets of the LAWS *of* TENNESSEE, *induced the editor to preſent the Public with a cheap and portable volume of thoſe Laws.*

Although ſeveral acts have been repealed, and others have had their effect, yet it was deemed adviſable to print all the laws in the order they ſtand in the editions publiſhed under the authority of this ſtate. 19

The editor has endeavored to print them correctly with the originals; and though ſeveral apparent errors *may ſtrike the obſervation of the reader, they will nevertheleſs be found to correſpond with the originals depoſited in the office of the ſecretary of ſtate.*

The preſent undertaking has been very laborious and expenſive to the editor—the ſtock for carrying on which, being brought many hundred miles at great expence—If he has performed an acceptable ſervice to the public by the production of the preſent edition, his main wiſh will be gratified—To that public he recommends it.

GEORGE ROULSTONE.

KNOXVILLE,
September 1ſt, 1803.

CONTENTS.

ACTS

Paſſed at the Firſt Seſſion of the Territorial Aſſembly Page 3
at the Second Seſſion of the Territorial Aſſembly 51
at the Firſt Seſſion of the Firſt General Aſſembly of the State of Tenneſſee 69
at the Second Seſſion of the Firſt General Aſſembly of the State of Tenneſſee 107
at the Firſt Seſſion of the Second General Aſſembly of the State of Tenneſſee 113
at the Second Seſſion of the Second General Aſſembly of the State of Tenneſſee 155
at the Firſt Seſſion of the Third General Aſſembly of the State of Tenneſſee 178
at the Firſt Seſſion of the Fourth General Aſſembly of the State of Tenneſſee 223

The Acts and Ordinances of the Governor and Judges, follow the title page.

ACTS
AND
ORDINANCES
OF THE
GOVERNOR AND JUDGES
OF THE
TERRITORY OF THE UNITED STATES OF AMERICA SOUTH OF THE RIVER OHIO.

By WILLIAM BLOUNT, *Governor in and over the Territory of the* United States *of* America *South of the river Ohio.*

An ORDINANCE *for circumſcribing the counties of Greene and Hawkins, and laying out two new counties.*

BE IT ORDAINED, That from and after the fifteenth day of the preſent month of June, the counties of Greene and Hawkins ſhall be circumſcribed by a line beginning on Nolichucky river at the place where the ridge which divides the waters of Bent & Lick creek ſtrikes it; thence with that ridge to Bull's Gap of Bay's Mountain; thence a direct line to the place where the road that leads from Dodſon's ford to Perkins's iron works croſſes the watry fork of Bent creek; thence down that road to the head of Panther creek, down the meanders of that creek to the river Holſton; thence a north weſt courſe to the river Clinch; again, from Nolichucky river where the ridge that divides the waters of Bent and lick creek ſtrikes it, a direct courſe to Peter Fine's ferry on French Broad; then ſouth to the ridge that divides the waters of French Broad and Big Pigeon, and with ſaid ridge to the eaſtern boundary of the Territory.

And be it ordained, That two new counties be laid out and eſtabliſhed below the aforeſaid line, that is, to the ſouthward and weſtward of it, to be diſtinguiſhed from and after the ſaid fifteenth day of June inſtant by the name of Jefferſon county, and Knox county. The county of Jefferſon to be butted and bounded by the above deſcribed line from the eaſtern boundary of the Territory to the river Holſton, and down the river Holſton to the mouth of Creſſwell's mill creek; thence a direct line to the mouth of Dumplin creek on French Broad; thence up the meanders of French Broad to the mouth of Boyd's creek; thence ſouth twenty five degrees eaſt, to the ridge which divides the waters of Little Pigeon and Boyd's creek and with the ſaid ridge to the Indian boundary, or the eaſtern boundary of the Territory, as the caſe may be, and by the eaſtern boundary; and Knox county to be butted and bounded by the line of Jefferſon county, from the mouth of Creſſwell's mill creek to the Indian boundary, or eaſtern boundary of the Territory, as the caſe may be: Again from the mouth of the ſaid creek up the meanders of the river Holſton, to the mouth of Panther creek; thence north weſt to the river Clinch; then by the river Clinch to the place where the line that ſhall croſs Holſton at the ridge that divides the waters of Tenneſſee and Little river according to the treaty of Holſton, ſhall ſtrike it; and by that line.

And be it ordained, That Charles M'Clung and James Mabery, be appointed commiſſioners to run and mark the north weſt line from the mouth of Panther creek to the river Clinch and the line from the mouth of Creſſwell's mill creek to the mouth of Dumplin; and Alexander Outlaw and Joſeph Hamilton, that from Bull's Gap to the Watry Fork of Bent creek; and from Nolichucky river to Fine's ferry on French Broad, and the ſouth line to the dividing ridge between French Broad and Big Pigeon.

And be it ordained, That courts of pleas and quarter ſeſſions ſhall be held in and for the ſaid counties for the due adminiſtration of juſtice, for the county of Knox on the third Mondays of January, April, July, and October and for the county of Jefferſon, on the fourth Mondays in the ſame months, and may be continued by adjournments from day to day, not exceeding ſix

And be it ordained, That the courts of pleas and quarter ſeſſions ſhall be held for the county of Knox, at Knoxville, and for the county of Jefferſon, at the houſe of Jeremiah Matthews.

Done at Knoxville, the 11th day of June, in the year of our Lord 1792.

WILLIAM BLOUNT.

By the Governor,
DANIEL SMITH, Sec'ry.

By WILLIAM BLOUNT, *Governor, in and over the Territory of the* United States *of* America, *South of the river Ohio; and* David Campbell *and* Joſeph Anderſon, *two of the judges of ſaid Territory*

AN ACT authoriſing the courts of the ſeveral counties in this Territory to levy a tax, for repairing or building court houſes, priſons, and ſtocks in the ſaid counties reſpectively, to pay jurors of the ſuperior courts, and defray the contingent charges of the ſaid counties.

WHEREAS doubts have ariſen, whether the ſeveral courts of pleas and quarter ſeſſions in this Territory, have by the laws of North-Carolina, authority to levy taxes for aforeſaid purpoſes; and whereas it is neceſſary that thoſe doubts ſhall no longer exiſt:

Be it enacted, That the firſt court which ſhall be held in each and every year, in each county, next after the firſt day of January, be authoriſed to levy a tax on land and polls within the ſaid counties reſpectively, for the purpoſe of repairing or building court houſes, priſons and ſtocks paying the jurors to the ſuperior courts their travelling expences and attendance, and defraying the contingent charges of the reſpective counties: Provided, the authority hereby given ſhall not extend to levy a tax in any one year, on each poll, of more than fifty cents, nor on each hundred acres of land, of more than ſeventeen cents.

And be it enacted, That the tax ſo levied by the courts of the reſpective counties, ſhall be collected and accounted for by the proper officers, in the ſame manner, and under the ſame penalties, as is required by the laws of North-Carolina, for the collection of taxes for ſimilar purpoſes.

PASSED in the Territory aforeſaid, this twentieth day of November, 1792.

WILLIAM BLOUNT.
DAVID CAMPBELL.
JOSEPH ANDERSON.

DANIEL SMITH, Sec'ry.

By WILLIAM BLOUNT, *Governor in and over the Territory of the* United States *of* America, *South of the river Ohio.*

AN ORDINANCE *apportioning the jurors for the ſuperior court to the reſpective counties in the diſtrict of Waſhington.*

BE it Ordained, that the county of Waſhington ſhall ſend ten, Sullivan ſix, and Greene, Hawkins, Jefferſon, and Knox each eight jurors to the Superior Court; to be appointed by the courts of the reſpective counties, as directed by the laws of North Carolina, and ſubject to the ſame penalties in caſe of non attendance

DONE in the Territory aforeſaid, at Knoxville, the 18th day of December, 1792.

WILLIAM BLOUNT.

By the Governor,
DANIEL SMITH, Sec'ry.

By WILLIAM BLOUNT, *Governor in and over the Territory of the* United States *of* America, *South of the river Ohio.*

AN ORDINANCE *forming the counties of Jefferſon and Knox into a judicial diſtrict.*

BE IT ORDAINED, That the counties of Jefferſon and Knox ſhall conſtitute a judicial diſtrict, to be diſtinguiſhed and known by the name of the diſtrict of Hamilton, in which ſhall be held at Knoxville two ſuperior courts of law and courts of equity, in each and every year, to commence on the ſecond Mondays in April and October, and may be continued ten juridical days each term—Provided, the firſt court ſhall be held on the ſecond Monday in October next.

And be it ordained, that the counties of Jefferſon and Knox ſhall each at the court next preceding the term of the ſuperior courts for the ſaid diſtrict of Hamilton, appoint eighteen jurors to the ſaid courts.

And be it ordained, that all bills, ſuits, pleas, indictments, and recognizances, that ſhall remain undetermined on the dockets of the ſaid diſtrict of Waſhington after the ſucceeding term of that diſtrict, where both plaintiffs and defendants live in the diſtrict of Hamilton, ſhall be transferred to the dockets of the ſaid diſtrict of Hamilton, and be proceeded upon in the ſame manner as if originally brought in the courts of the ſaid diſtrict. And that the clerks of the courts of law & courts of equity for the diſtrict of Waſhington, make a full and perfect tranſcript of all bills, ſuits, pleas, indictments, and recognizances, where the parties live in the diſtrict of Hamilton, and ſend the ſame properly atteſted, to the clerks of the ſaid diſtrict, together with all papers relative thereto, on or before the fourteenth day of October next, under the penalty of a miſdemeanor in office.

Provided nothing herein contained ſhall be ſo conſtrued as to affect or alter the military arrangement of the late diſtrict of Waſhington.

Done at Knoxville, in the Territory aforeſaid, this thirteenth day of March, 1793.

WILLIAM BLOUNT.

By the Governor,
DANIEL SMITH, Sec'ry.

By WILLIAM BLOUNT, *Governor in and over the Territory of the United States of America, ſouth of the river Ohio.*

AN ORDINANCE, *altering and directing the time of holding the ſuperior courts for the diſtrict of Waſhington and the courts of pleas and quarter ſeſſions in the ſeveral counties in the ſaid diſtrict.*

BE IT ORDAINED, That from and after the firſt day of April next, the terms of the ſuperior courts for the diſtrict of Waſhington, ſhall commence on the third Mondays in March and September in each and every year.

And be it ordained, that from and after the ſaid firſt day of April, the courts of pleas and quarter ſeſſions in the reſpective counties of the ſaid diſtrict, ſhall commence, in and for the county of Knox, on the firſt Mondays in February, May, Auguſt, and November—In and for the county of Jefferſon, on the ſecond Mondays in the ſame months—In and for the county of Greene, on the third Mondays in the ſame months—In and for the county of Waſhington, on the fourth Mondays in the ſame months—In and for the county of Sullivan, on the firſt Mondays in March, June, September and December—And in and for the county of Hawkins on the ſecond Mondays in the ſame months, in each and every year.

And be it ordained, That all actions, ſuits, writs, plaints, recognizances, indictments and preſentments whatſoever, ſhall be continued over to, and proceeded upon by the reſpective courts, to be held at the time as directed by this ordinance, in the ſame manner as if no alteration of time had taken place, any law, uſage or cuſtom to the contrary notwithſtanding.

DONE at Knoxville, in the Territory aforeſaid, this ſixteenth day of February, 1793.

WILLIAM BLOUNT.

By the Governor,
DANIEL SMITH.

By WILLIAM BLOUNT, *Governor in and over the Territory of the United States, South of the river Ohio, David Campbell and Joſeph Anderſon, Eſquires, two of the Judges, in and for ſaid Territory.*

AN ACT requiring perſons holding monies ariſing from fines and forfeitures impoſed for the puniſhment of public offenders, taxes on proceedings in law and equity, on the probate of deeds, on the regiſtering of grants for land, and the iſſuing marriage and ordinary licences, as directed by the laws North Carolina, to account for and pay the ſame.

Be it enacted, That all perſons holding monies ariſing from fines and forfeitures impoſed for the puniſhment of public offenders, taxes on proceedings in law and equity, on probate of deeds on the regiſtering of grants for land, and the iſſuing marriage and ordinary licences, be required to render an accurate and correct account thereof, and pay the ſame into the hands of Daniel Smith, Eſquire, Secretary of the Territory, on or before the firſt day of June, in each and every year, ſubject to the future appropriation of government; and in caſe of failure, the ſaid Daniel Smith, Eſq. is authoriſed to ſue for, and recover the ſame in the name of the Governor, for the time being, for the uſe of the government.

And be it enacted, That the clerk of each and every court of law and equity in the Territory, and the regiſter of each and every county, at the firſt court which ſhall be held after the firſt day of April next, or in caſe of any unavoidable hindrance, the next court afterwards, ſhall give bond with approved ſecurity, to the governor, for the time being, in the ſum of Five Hundred Dollars, conditioned for the due collection and payment of the monies ariſing from fines and forfeiturs, and taxes as aforeſaid, which bond ſhall be tranſmitted by the clerks of the courts to the office of the Secretary of the Territory, for the time being, within three months from the time of entering into the ſame, and on failure thereof ſhall be deem guilty of a miſdemeanor in office.

And be it enacted, That the ſaid Daniel Smith, Eſquire, ſhall give bond to the Governor, for the time being, for the uſe of the government, with good and ſufficient ſecurity, in the ſum of Two Thouſand Dollars, for the faithful diſcharge of the duties required by this act

Paſſed at Knoxville, in the Territory aforeſaid, this thirteenth day of March, 1793.

WILLIAM BLOUNT.
DAVID CAMPBELL.
JOSEPH ANDERSON.

DANIEL SMITH, Sec'ry.

By WILLIAM BLOUNT, *Governor in and over the Territory of the United States of America South of the river Ohio.*

AN ORDINANCE *to amend the "Ordinance for circumſcribing the counties of Greene and Hawkins and laying out two new counties.*

BE IT ORDAINED, That the courts of pleas and quarter ſeſſions for the county of Jefferſon, ſhall in future be held on the north ſide of French Broad, on the lands of Francis Dean, near the Rev Mr. Henderſon's lower meeting houſe, at ſuch particular ſpot as the commiſſioners of the ſaid county of Jefferſon ſhall fix on.

Done at Knoxville, in the Territory aforeſaid, this twenty firſt day of March, 1793.

WILLIAM BLOUNT.

By the Governor,
DANIEL SMITH, *Sec'ry.*

ACTS

PASSED AT THE FIRST SESSION OF THE TERRITORIAL ASSEMBLY,

BEGAN AND HELD AT KNOXVILLE, ON MONDAY THE TWENTY FIFTH DAY OF AUGUST, ONE THOUSAND SEVEN HUNDRED AND NINETY FOUR.

CHAPTER I.

An ACT *to amend "an act eſtabliſhing Courts of Law, and for regulating proceedings therein"*—[PASSED SEPTEMBER 29 1794]

Section 1. BE *it enacted by the Governor Legiſlative Council and Houſe of Repreſentatives of the Territory the United States of America ſouth of the river Ohio* That from and after the paſſing of this act, this Territory ſhall remain divided into three diſtricts as heretofore, viz the diſtrict of Waſhington, Hamilton, and Mero in each of which a court for the trial of cauſes civil and criminal ſhall continue to be held at the times and places already by law appointed, and ſhall be diſtinguiſhed and known as heretofore by the name of the Superior Court of Law, in the diſtrict where the ſame ſhall be held; and the ſaid court ſhall conſiſt, as heretofore, of three judges, who ſhall have been appointed, commiſſioned and qualified as directed by the acts of Congreſs, paſſed under the federal conſtitution, and the ordinance of the old Congreſs, of the thirteenth of July, one thouſand ſeven hundred and eighty ſeven, who ſhall have cognizance and legal juriſdiction of all pleas, real, perſonal, and mixt, and alſo of all ſuits and demands relative to legacies, filial portions, and eſtates of inteſtates, all pleas of the government, and criminal matters of what nature, degree, nor denomination ſoever, whether brought before them by original or meſne proceſs, or by certiorari, writ of error, appeal from any inferior court, or by any other ways or means whatſoever; and they are hereby declared to continue to have as heretofore, full power and authority to give judgment and to award execution and all other neceſſary proceſs thereupon; and to have, uſe, exerciſe, and enjoy the ſame powers and authorities, rights, privileges, and pre-eminences as were had, uſed, exerciſed and enjoyed by the ſaid judges heretofore, except where it is otherwiſe directed by this or ſome other act, or where ſuch authorities, rights, privileges or pre-eminences, or any of them, may be inconſiſtent with, or repugnant to, the preſent form of government. And in caſe of the death or abſence of any of the ſaid judges, it ſhall and may be lawful for one or more of the ſame judges, by himſelf or themſelves, to hold any of the ſaid courts, and to take cognizance, and give judgment, and award execution in the ſame manner as all the ſaid judges might have done, had they been preſent.

Sec. 2. And for the benefit of ſuitors, and to prevent irregularities in making up records, *Be it enacted*, That there ſhall be a clerk to each of the ſaid courts, of ſkill and probity, who, if they have not already, ſhall each of them give bond, with ſecurity, payable to the governor and his ſucceſſors in office, of ten thouſand dollars, for the ſafe keeping of the records, and the faithful diſcharge of the duties of his office, which ſaid bond ſhall be lodged in the Secretary's office, and may be put in ſuit on the aſſignment of the Governor, by the party or parties injured, in his or their own name; and ſhall not become void upon the firſt recovery, or if judgment be given againſt the plaintiff; but may from time to time be put in ſuit by action of debt, until the whole penalty be recovered.

Sec 3. *And be it further enacted*, That in caſe of the death, reſignation or removal from office of either of the clerks of the ſaid courts, that his ſucceſſor in office ſhall take the following oath, viz.—"I *A. B.* do ſwear that by myſelf or any other perſon, I neither have given, nor will give to any perſon or perſons whatſoever, any gratuity, gift, fee, or reward, in conſideration of my appointment to the office of clerk of the ——— ———nor have I ſold, nor offered to ſell, nor will I ſell, or offer to ſell my intereſt in the ſaid office I alſo, ſolemnly ſwear, that I do not directly or indirectly hold any other lucrative office in this Territory. And I do further ſwear, that I will execute the office of clerk of the ——for the ——without prejudice, favor, affection or partiality, to the beſt of my ſkill and ability. SO HELP ME GOD"—And if it ſhall be diſcovered that any of the ſaid clerks ſhall have violated his oath, or willingly, wittingly or corruptly have done any thing contrary to the true intent and meaning of the ſaid oath, ſuch clerk ſhall be deemed, upon conviction, guilty of miſbehavior in office, and ſhall forever be incapable of holding any office, civil or military.

Sec. 4. *And be it enacted*, That no perſon coming into this Territory from any ſtate, or from any foreign country, with an intention to practiſe the law, as an attorney, ſhall be admitted as ſuch, unleſs he ſhall have previouſly reſided one year in this Territory; and all attornies ſhall in open court, before a judge or judges thereof, take the following oath:—"I *A. B.* do ſwear, that I will truly and honeſtly demean myſelf in the practice of an attorney according to the beſt of my knowledge and ability. SO HELP ME GOD."

Sec 5. *And be it enacted*, That all real actions, actions of ejectment, treſpaſs, *Quare clauſum fregit*, ſuits on penal ſtatutes, and pleas of the government ſhall be commenced in the court of the diſtrict wherein the cauſe of action ſhall ariſe, or the offence committed, and not in any other diſtrict; and all actions of debt, other than on penal ſtatutes, all actions of detinue and repleven, actions of account render, aſſault and battery, and for the unlawful taking of goods, all actions upon the caſe, and ſuits for legacies, and for diſtributive ſhares of inteſtates eſtates, ſhall be brought to the court of the diſtrict where both parties reſide; and where the parties live in different diſtricts, ſhall be brought to the court of either diſtrict, at the option of the plaintiff; and where the plaintiff ſhall reſide beyond ſeas, or in a different ſtate or government, ſhall be brought to the court of the diſtrict where the defendant reſides; and where any action or ſuit ſhall be brought otherwiſe than is herein directed, ſuch action or ſuit may be abated on the plea of the defendant

Sec. 6. *And be it enacted,* That no ſuit ſhall be originally commenced in any of the ſaid courts, for any debt or demand of leſs value than one hundred pounds, where the plaintiff and defendant live in the ſame diſtrict, or for leſs than fifty pounds where the parties live in different diſtricts: And if any ſuit ſhall be commenced contrary to the true intent and meaning hereof; or if any perſon ſhall demand a greater ſum than is due on purpoſe to evade this act, in either caſe the plaintiff ſhall be non ſuited and pay coſts—*Provided always,* that if the plaintiff or any other perſon for him, will make an affidavit (to be filed in the court) that the ſum for which his ſuit ſhall be brought is really due; but that for want of proof, or that the time limitted for the recovery of any article bar a recovery, then, and in that caſe, ſuch plaintiff ſhall have a verdict and judgment for what appears to be legally proved, any thing before mentioned to the contrary notwithſtanding: *And provided alſo,* that nothing herein contained ſhall extend or be conſtrued to extend to ſuits on bonds, penal bills, or any other action of debt grounded on a penalty, where the balance due on ſuch bond or penal bill, or other action of debt, is of leſs value than the ſums herein before mentioned, to be limitted for bringing ſuits in the ſaid courts.

Sec. 7. *And be it further enacted,* That if any plaintiff, or other perſon, ſhall hereafter ſwear falſely, in order to obtain a recovery in any of the ſaid courts, he ſhall upon conviction thereof, be adjudged guilty of perjury, and ſuffer as in caſes of wilful and corrupt perjury.

Sec. 8. *And be it enacted,* That none of the ſaid courts, nor any of the proceedings therein depending, ſhall be diſcontinued by reaſon of the death of any of the ſaid judges, or by their not attending at any term; but in ſuch caſes, all pleas, cauſes, matters, and things therein depending, ſhall ſtand, continue, and remain in the ſame condition in which they ſhall then be, to the next ſucceeding term.

Sec. 9. *And be it enacted,* That the clerk or attorney iſſuing proceſs, ſhall mark thereon the day on which the ſame ſhall be iſſued; and the ſheriff or other officer receiving the ſame in order to execute, ſhall in like manner mark on each proceſs, the day on which he ſhall have received it; and every clerk, attorney, ſheriff, or other officer neglecting ſo to do, ſhall forfeit and pay the ſum of one hundred and twenty five dollars, to be recovered by action of debt, in any court of record having cognizance thereof, by any perſon who ſhall ſue for the ſame, with coſts.

Sec. 10. *And be it enacted,* That all writs and other proceſs (except ſubpœnas for witneſſes returnable immediately) ſhall be returned the firſt day of the term to which the ſame ſhall be returnable, and ſhall be executed at leaſt ten days before the beginning of ſuch term. And if any original or meſne proceſs ſhall be taken out within ten days before the beginning of any term, ſuch proceſs ſhall be made returnable to the term next ſucceeding that which ſhall commence within ten days after taking out ſuch proceſs, and not otherwiſe; and all proceſs made returnable at any other term, or executed at any other time or in any other manner than by this act is directed, ſhall be adjudged void upon the plea of the defendant: *Provided nevertheleſs,* That no thing herein contained, ſhall be conſtrued to invalidate or vacate any proceſs, warrant or precept to be iſſued by any of the judges of the ſaid courts, or any juſtice of the peace, or clerk of any court, on any criminal proſecution on behalf of the government; but that the ſame may be iſſued at any time, and made returnable to any day of the the term: and the like proceedings on criminal ſuits and proſecutions, ſhall be agreeable to the practice heretofore in uſe in this government except where the ſame is or may be otherwiſe directed, any thing herein contained to the contrary notwithſtanding.

Sec 11. *And be it enacted*, That when any writ ſhall iſſue from any of the ſaid courts, whereby any ſheriff or other officer ſhall be commanded to take the body of any perſon or perſons, to anſwer to any action in any of the ſaid courts, ſuch ſheriff ſhall take bond with two ſufficient ſecurities, in double the ſum for which ſuch perſon or perſons ſhall be held in arreſt (executors, adminiſtrators, and perſons ſued on ſuch penal ſtatutes as do not expreſsly require bail, excepted) and ſhall return ſuch bond with the writ: and in caſe the ſheriff ſhall fail or neglect to take ſuch bail, or the bail returned be held inſufficient, on exception taken and entered the ſame term to which ſuch proceſs ſhall be returnable, the ſheriff having due notice thereof, he ſhall be deemed and ſtand as ſpecial bail, and the plaintiff may proceed to judgment according to the rules hereinafter preſcribed.

Sec 12. *And be it enacted*, That all bail bonds returned to any of the ſaid courts, ſhall be aſſigned by the ſheriff returning the ſame, by endorſement thereon, in the following form, viz "I *A. B.* ſheriff of —— county do hereby aſſign the within obligation and condition to *C. D* the plaintiff therein named, his executors and adminiſtrators, to be ſued for according to the ſtatutes in ſuch caſe made and provided. In witneſs whereof I have hereunto ſet my hand and ſeal, the——day of— in the year of our Lord one thouſand ſeven hundred and—— And every ſheriff failing to make ſuch aſſignment, ſhall be deemed, held, and taken as ſpecial bail, in the ſame manner as if no bail bond had been returned.

Sec. 13 *And be it enacted*, That when any ſheriff ſhall return, that he hath taken the body of any defendant, and committed him to the priſon of his county (which is hereby declared to be the proper priſon for ſuch commitment) the plaintiff may enter the defendant's appearance and ſhall be at liberty to plead, as if ſuch appearance had been entered by himſelf: and the plaintiff may proceed to judgment, as in other caſes in this act directed: nevertheleſs, the defendant ſhall not be diſcharged out of cuſtody, but by putting in bail, or rule of court.

Sec 14 *And be it enacted*, That all bail taken according to the directions of this act, ſhall be deemed held, and taken to be ſpecial bail, and as ſuch, liable to the recovery of the plaintiff: but the plaintiff, after final judgment, ſhall not take out execution againſt ſuch bail until an execution be firſt returned, that the defendant is not to be found in his proper county, and until a *Scire Facias* hath been made known to the bail which *Scire Facias* ſhall not iſſue until ſuch execution ſhall have been ſo returned; and after return of ſuch execution againſt the principal, and *Scire Facias*, againſt the bail, execution may iſſue againſt the principal and ſecurities, or any of them, or any of their eſtates, unleſs the bail ſhall ſurrender the principal before the return of the firſt *Scire Facias* or ſhall appear and plead upon the return thereof, any law, cuſtom, or practice to the contrary thereof in any wiſe notwithſtanding

Sec. 15. *And be it enacted*, That the bail ſhall have liberty, before final judgement obtained againſt him, to ſurrender to the court from which the proceſs iſſued, or to the ſheriff returning ſuch proceſs, during the ſitting of ſuch court, or to the ſheriff in the receſs of ſuch court, the principal in diſcharge of himſelf; and ſuch bail ſhall at any time before ſuch judgment had, have full power and authority to arreſt the body of his principal, and ſecure him until he ſhall have an opportunity to ſurrender him to the ſheriff who made the arreſt, or to the court to which ſuch proceſs was returnable; and ſuch ſheriff is hereby required to receive ſuch ſurrender, and hold the body of the defendant in cuſtody, as if bail had never been given.

Sec. 16 *And be it enacted*, That when any *Scire Facias* ſhall by the proper officer be returned to have been made known to the bail, and they in conſequence thereof ſhall appear, they ſhall be obliged to plead, and the iſſue ſhall be tried the ſame term to which the proceſs ſhall be returned, unleſs ſufficient cauſe be ſhewn to the court to the contrary; but the bail ſhall not be admitted to plead *non eſt factum* unleſs they firſt file an affidavit of the truth of their plea. *Provided nevertheleſs*, that if any ſheriff ſhall return, on a *Scire Facias* to him directed, that the principal is impriſoned by virtue of any proceſs, civil or criminal, the court to which ſuch *Scire Facias* is returnable, ſhall, on motion of the plaintiff or bail, order and direct that ſuch principal be retained where he or ſhe ſhall be a priſoner, until the plaintiff's judgment and coſts ſhall be paid, or he or ſhe otherwiſe diſcharged by due courſe of law; a copy of which order being ſerved on the keeper of ſuch priſon, before ſuch priſoner's releaſement, ſhall be a ſufficient authority for him to retain ſuch priſoner, until ſuch order be complied with, and ſhall be deemed a ſurrender of the principal, and a diſcharge of the bail.

Sec. 17. And for the better aſcertaining what proceſs ſhall iſſue when the ſheriff ſhall return, that the defendant is not to be found within his county, *Be it enacted*, That when the ſheriff ſhall make ſuch return in any civil action, the plaintiff may, at his election, ſue out an attachment againſt the eſtate of ſuch defendant, or an *Alias* or *Pluries Capias* until he be arreſted, returnable in the ſame manner as original proceſs; and if the ſheriff ſhall return any goods by him attached, and the defendant ſhall fail to appear and plead within the time herein directed, the plaintiff ſhall be entitled, if in an action of debt, to final judgment; and if in an action on the caſe, to an interlocutory judgment, and in conſequence thereof may execute a writ of enquiry the next ſucceeding term; and the goods ſo attached, if not replevied or ſold according to the rules herein after preſcribed for goods taken on original attachments, ſhall remain in cuſtody of the ſheriff until final judgment, and then be diſpoſed of in the ſame manner as goods taken in execution on a writ of *Fieri Facias*; and if the judgment ſhall not be ſatisfied by the goods attached, the plaintiff may have execution for the reſidue.

Sec 18. *And be it enacted*. That in caſe any plaintiff ſhall obtain judgment final, at the firſt term to which the proceſs ſhall be returnable, on an action of debt, it ſhall be lawful for him to execute his enquiry as to the value of any foreign currency or money, for which the ſuit may be brought, at the ſame term in which ſuch judgment ſhall be entered or obtained.

Sec. 19. *And be it further enacted*, That upon any complaint being made on oath, to any of the judges of the ſaid courts, or to any juſtice of any of the county courts, by any perſon or perſons, his, her, or their attorney, agent, or factor, that any perſon hath removed, or is removing him or herſelf out of the county privately, or ſo abſconds or conceals him or herſelf, that the ordinary proceſs of law cannot be ſerved on ſuch debtor; and if ſuch plaintiff, his, her, or their attorney, agent, or factor further ſwears to the amount of his, her, or their debt, or demand, to the beſt of his, her, or their knowledge and belief, it ſhall be lawful for ſuch judge or juſtice, and he is hereby empowered and required to grant an attachment againſt the eſtate of ſuch debtor, wherever the ſame may be found, or in the hands of any perſon or perſons indebted to, or having any of the effects of the defendant, or ſo much thereof as ſhall be of value ſufficient to ſatisfy the debt or demand, and coſts of ſuch complaint; which attachment ſhall be returned to the court where the ſuit is cognizable, and ſhall be deemed a leading proceſs in ſuch action; and the ſame proceedings ſhall be had thereon as on judicial attachments; *Provided always*, that every ſuch judge or juſtice, before granting ſuch attachment, ſhall take bond and ſecurity, of the party for whom the ſame ſhall be iſſued, his, her or their attorney, agent or factor, payable to the defendant, in double the ſum for which the complaint ſhall be made, conditioned for ſatisfying all coſts which ſhall be awarded to ſuch defendant, in caſe the plaintiff ſhall be caſt in the ſuit, and alſo all damages which ſhall be recovered againſt the plaintiff, in any ſuit or ſuits which may be brought againſt him for wrongfully ſuing out ſuch attachment; which bond, together with the affidavit of the party complaining, ſubſcribed with his proper name, ſhall be returned by the juſtice taking the ſame, to the court to which the attachment is returnable; and every attachment iſſued without bond and affidavit, taken and returned as aforeſaid, ſhall be abated on the plea of the defendant.

Sec. 20. And for the eaſe and convenience of creditors and others, who may be injured as aforeſaid, and to remove doubts with reſpect to the authority of the juſtices of the county courts in iſſuing attachments, *Be it enacted*, That it ſhall and may be lawful for any juſtice of the county courts, upon complaint made to him, by any perſon or perſons as aforeſaid, to iſſue attachments under the rules and regulations before mentioned, and make the ſame returnable to any of the ſaid courts where the ſame is cognizable, any law, uſage or cuſtom to the contrary notwithſtanding.

Sec. 21. *And be it enacted*, That when any perſon, who ſhall be an inhabitant of any other government, ſo that he cannot perſonally be ſerved with proceſs, ſhall be indebted to any perſon a reſident of this Territory, and hath any eſtate within the ſame, any of the ſaid judges or juſtices may grant an attachment againſt the eſtate of ſuch foreign perſon, under the rules, reſtrictions and regulations before mentioned; and the ſame proceedings may be had thereon; and in caſe of the death of any debtor, reſiding without the limits of this Territory, leaving lands or other property therein, the creditor reſident within the Territory ſhall in like manner be entitled to recover, by attachment, againſt the executors and adminiſtrators; and execution ſhall iſſue accordingly againſt the property ſo left within the government.

Sec. 22. *And be it enacted*, That when any goods, or other eſtate, ſhall be attached by virtue of any attachment, whether judicial or original, it ſhall and may be lawful for the defendant or defendants, his her, or their attorney, agent, or factor, to replevy the ſame, by giving bond, with ſufficient ſecurity, to the ſheriff or other officer ſerving ſuch attachment; which ſaid bond the ſheriff or other officer is hereby empowered and required to take, to appear at the court to which ſuch attachment is returnable, and to abide by, perform, and ſatisfy the order and judgment of ſuch court; and when the eſtate attached, ſhall by three juſtices of the county court, to be ſummoned by the ſheriff for that purpoſe, be certified on oath to be periſhable, and the perſon or perſons to whom it belongs, his, her, or their attorney, agent, or factor, ſhall not within ſixty days after ſerving ſuch attachment, replevy the ſame, then ſuch eſtate ſhall be ſold at public vendue, by the ſheriff or other officer, he having firſt advertiſed ſuch ſale at the court houſe, and other public places in his county, at leaſt twenty days before the ſale; and the money ariſing by ſuch ſale ſhall be liable to the judgment obtained upon ſuch attachment, and depoſited in the hands of the clerk of the court to which the proceſs ſhall be returnable, there to wait the event of ſuch judgment. And where the ſheriff or other officer ſhall ſerve an attachment in the hands of any perſon or perſons ſuppoſed to be indebted to, or ſuppoſed to have any of the effects of the party abſconding, or reſiding out of the government, he ſhall at the ſame time ſummon ſuch perſon or perſons as a garniſhee or garniſhees, in writing, to appear at the court to which the attachment ſhall be returnable, within the firſt four days of the firſt term thereof, there to anſwer upon oath, what he or ſhe is indebted to the defendant, and what effects of the defendant he or ſhe hath in his or her hands, and had at the time of ſerving ſuch attachment, and what effects or debts of the defendant there are in the hands of any other, and what perſon, to his or her knowledge or belief; and where any attachment ſhall be ſerved in the hands of any garniſhee in manner aforeſaid, it ſhall be lawful, upon his or her appearance and examination, to enter up judgment, and award execution againſt any ſuch garniſhee, for all ſums of money due to the defendant from him or her, and for all effects and eſtate of any kind, belonging to the defendant, in his or her poſſeſſion or cuſtody, for the uſe of the plaintiff, or ſo much thereof as ſhall be ſufficient to ſatiſfy the debt and coſts, and all charges incident on levying the ſame; and all goods and effects whatſoever in the hands of any garniſhee or garniſhees, belonging to any defendant, ſhall be liable to ſatiſfy the plaintiff's judgment, and ſhall be delivered to the ſheriff or other officer ſerving the attachment. And where any garniſhee ſhall be returned by the ſheriff or other officer, ſummoned in manner aforeſaid, and ſhall fail to appear and diſcover, on oath, as by this act is directed, it ſhall be lawful for the court, after ſolemnly calling the garniſhee, and ſuch court is hereby authoriſed and required to enter a conditional judgment againſt ſuch garniſhee; and upon ſuch judgment ſo entered, a *Scire Facias* ſhall iſſue againſt ſuch garniſhee, returnable to the next term, to ſhew cauſe, if any he hath, why final judgment ſhould not be entered againſt him; and upon ſuch *Scire Facias* being duly executed and returned, if ſuch garniſhee ſhall fail to appear at the next term, and diſcover, on oath, in manner aforeſaid, the court ſhall confirm ſuch judgment, and award execution for the plaintiff's whole judgment and coſts. And if upon the examination of any garniſhee, it ſhall appear to the court, that there is any of the defendant's eſtate in the hands of any perſon or perſons, who have not been ſummoned, ſuch court ſhall upon motion of the plaintiff, grant a judicial attachment, to be levied in the hands of ſuch perſon or perſons, having any of the eſtate of the defendant in his, her, or their cuſtody or poſſeſſion, who ſhall appear and anſwer, and be liable; as other garniſhees.

Sec 23. And whereas divers perſons reſiding in other ſtates or governments, poſſeſſed of lands, tenements, and hereditaments in this Territory, may have contracted, or may contract debts with the inhabitants of this Territory, without having perſonal eſtate in the ſame to ſatisfy ſuch debts and damages: And whereas by the policy and genius of our preſent government lands and tenements ought to be made ſubject to the payment of juſt debts when the debtor hath not within the limits of the Territory goods and chattels ſufficient to ſatisfy the ſame, *Be it therefore enacted*, That all proceſs which heretofore iſſued againſt goods, chattels, lands and tenements, ſhall for the future iſſue in the ſame manner; and ſuch as iſſued only againſt goods and chattels, ſhall hereafter iſſue againſt lands and tenements, as well as goods and chattels. And the ſheriff, upon ſuch attachment, execution or other proceſs, ſhall proceed to levy the ſame upon the goods and chattels of the defendant in the firſt inſtance, if any there be; but if, to the beſt of his knowledge, there be no ſuch goods and chattels, or not ſufficient to anſwer the plaintiff's demand, he ſhall execute the ſame upon the lands and tenements to the amount of the whole debt, or of ſo much as may remain more than the value of the goods and chattels ſo found. And ſuch lands and tenements ſhall be liable under the reſtriction aforeſaid, to be ſold to ſatisfy the judgment of the plaintiff; and where any ſheriff ſhall have levied proceſs upon lands and tenements in manner aforeſaid, and judgment ſhall have been thereupon had, he ſhall not proceed to ſell the ſame, until in the moſt public place in his county, he ſhall, forty days at leaſt before the day of ſale, have advertiſed the ſame. *Provided always*, That it ſhall be lawful for any perſon, againſt whoſe eſtate any attachment hath iſſued as aforeſaid, his or her attorney, agent or factor, at any time before final judgment entered, or writ of enquiry executed, upon giving ſpecial bail, to replevy the eſtate ſo attached, and plead to iſſue, ſo that the plaintiff is not thereby delayed of his trial. *And provided alſo*, that no judicial proceſs ſhall be iſſued againſt the eſtate of any perſon reſiding without the limits of this Territory, unleſs ſuch proceſs is grounded on an original attachment, or unleſs the leading proceſs in the ſuit has been executed on the perſon of the defendant, when within the Territory.

Sec. 24 And to prevent errors in iſſuing attachments, and taking bonds thereupon, *Be it enacted*, That the attachments ſhall be in the following form, that is to ſay—

"*Territory of the United States of America South of the river Ohio,*

"*To the Sheriff of ------ County, Greeting:*

"WHEREAS A. B. (*or A B. attorney, agent or factor, as the caſe may be, of* C. D) hath complained on oath to ———————— eſquire, Juſtice of the ſuperior courts of law, (*or of the county court of* ———) that E. F. is juſtly indebted to him (*or to the ſaid* A B) to the amount of ————. An oath having been alſo made, that the ſaid E. F. hath removed, or is about to remove himſelf out of your county, or ſo abſconds, or conceals himſelf, that the ordinary proceſs of the law cannot be ſerved on him (*or is an inhabitant of another government, if the caſe is ſo*) and the ſaid ——— —— having given bond and ſecurity according to the directions of the act of the General Aſſembly in ſuch caſe made and provided: We therefore command you, that you attach the eſtate of the ſaid E F. if to be found in your county, or ſo much thereof, repleviable on ſecurity, as ſhall be of value ſufficient to ſatisfy the ſaid debt and coſts, according to the complaint: and ſuch eſtate ſo attached, in your hands to ſecure, or ſo to provide, that the ſame may be liable to further proceedings thereupon, to be had at the court to be held for —— of —— at —— on the —— day of —— next, ſo as to compel the ſaid E. F. to appear and anſwer the above complaint of the ſaid ——— when and where you ſhall make known to the ſaid court how you ſhall have executed this writ. Witneſs ———, eſquire, juſtice of the ſaid —— court, at —— the —— day of —— in the —— year of American independence."

Which attachment ſhall be ſigned and ſealed by the juſtice granting the ſame. And the bond to be given on obtaining ſuch attachment, ſhall be in the following form, to wit:

"KNOW all men by theſe preſents, that we —— ——, all of the county of ——, are held and firmly bound unto ——, in the ſum of ——, to be paid to the ſaid ——, his certain attorney, executors, adminiſtrators, or aſſigns. For the which payment well and truly to be made, we bind ourſelves and each of us, our and each of our heirs, executors or adminiſtrators, jointly and ſeverally, firmly by theſe preſents. Sealed with our ſeals, and dated this — day of ——, in the year of our Lord one thouſand ſeven hundred and ——.

"The condition of the above obligation is ſuch, that whereas the above bounden ——, hath the day of the date hereof, prayed an attachment at the ſuit of ———, againſt the eſtate of the above named ———, for the ſum of ——, and hath obtained the ſame, returnable to the —— court, to be held at ——, on the — day of —— next: Now, if the ſaid —— ſhall proſecute his ſuit with effect, or in caſe he fail therein, ſhall well and truly pay and ſatisfy the ſaid —— all ſuch coſts and damages as ſhall be awarded and recovered againſt the ſaid —— his heirs, executors, or adminiſtrators, in any ſuit or ſuits which may be hereafter brought for wrongfully ſuing out of ſaid attachment, then the above obligation to be void, otherwiſe to remain in full force and effect."

Provided nevertheleſs, that no attachment ſhall be abated for want of form, if the eſſential matters expreſſed in the foregoing precedent be ſet forth in ſuch attachment.

Sec. 25 *Be it enacted* That in all ſuits commenced or proſecuted by attachment, againſt the eſtate of perſons reſiding out of this government, the court to which the ſame ſhall be brought, ſhall ſtay all proceedings in ſuch ſuits for ſo long time as they may think neceſſary, not leſs than ſix months, nor exceeding one year, from the time of the return of ſuch proceſs. And where it can be conveniently done, notice ſhall iſſue from the court to the defendant; and if the defendant appear, put in bail, and plead within the time limitted for his appearance, in ſuch caſe his eſtate ſhall be liberated, and the garniſhee diſcharged. And it ſhall be lawful for the jury to give in damages legal intereſt up-

[illegible] the plaintiff's recovery, during the time of ſuch extraordinary continuances, even in caſes where intereſt is not uſually allowed in the courts.

Sec 26. *And be it enacted*, That the following rules and methods ſhall be obſerved in the ſaid courts, viz.

That every plaintiff, or his attorney, when employed in any ſuit, in any of the courts of this government, ſhall file his declaration in the clerk's office any time within the firſt three days of the term to which the writ is made returnable, and on failure thereof ſuch ſuit ſhall be diſmiſſed by the court, at the coſt of the plaintiff; which coſt being paid by ſaid plaintiff to the clerk of the ſaid court, he or they paying ſuch coſts in conſequence of a declaration not being filed in due time as aforeſaid, may warrant ſuch attorney for all ſuch coſts by him paid as aforeſaid; and the receipt of the clerk ſhall and may be given in evidence in ſupport of ſuch claim; and the juſtice before whom ſuch warrant ſhall be tried, may give judgment and iſſue execution thereon; and ſuch attorney ſhall be further liable to the action of ſuch plaintiff, for ſuch damages as he or they may have ſuſtained in conſequence of ſuch declaration not having been filed as aforeſaid.

The defendant ſhall appear and plead or demur within the firſt three days after the time allowed for filing the declaration, otherwiſe the plaintiff may have judgment by default, which in actions of debt ſhall be final, unleſs where damages are ſuggeſted on the roll; and in that caſe, and in all others not herein ſpecially provided for, where the recovery ſhall be in damages, a writ of enquiry ſhall be executed at the next ſucceeding term: *Provided*, that where the tenure of the action requires ſpecial pleading, the time for pleading may be enlarged.

Where the defendant pleads ſpecially, the plaintiff ſhall reply or demur within three days after the time allowed for filing the declaration, or a *non pros* may be entered by the defendant; and if the plaintiff replies, and in his replication tenders an iſſue, the defendant ſhall join iſſue, or demur in three days, otherwiſe the plaintiff may have judgment; and where the defendant rejoins to the plaintiff's replication, he ſhall file his rejoinder within three days, or judgment ſhall go againſt him, unleſs the time for pleading ſhall be enlarged as aforeſaid; and the ſame time ſhall be given, and rules obſerved through the whole courſe of the proceedings.

Where a ſpecial verdict ſhall be found, a caſe agreed, a demurer filed, or a bill of exceptions to the evidence tendered, time ſhall be allowed, upon motion of either party, to the next term to argue the ſame.

For the better preſervation of the records of the court, when any cauſe is finally determined, the clerk of each court ſhall enter all the proceedings therein in a book well bound, and an entire and perfect record make thereof.

All jury cauſes ſhall be firſt tried.

All motions in arreſt of judgment ſhall be argued within the three laſt days of the term in which the iſſue ſhall be tried, the defendant's attorney firſt ſerving the plaintiff's attorney with a copy of the reaſons in arreſt of judgment, the day immediately following that on which ſuch motion ſhall be made.

Arguments on writs of error, ſpecial verdicts, caſes agreed, demurers, petitions for legacies, and diſtributions of inteſtates' eſtates, ſhall be heard upon the four laſt days of the term.

No plea in abatement ſhall be received in any of the ſaid courts, unleſs the party offering the ſame ſhall by affidavit or otherwiſe prove the truth of ſuch plea.

Where a plea in abatement ſhall be pleaded, and upon argument the ſame ſhall be adjudged inſufficient, the plaintiff ſhall recover againſt the defendant full coſts to the time of over-ruling ſuch plea, including the coſts of court; and the plaintiff in replevin, or defendant in any other action, may plead as many ſeveral matters as may be neceſſary for his defence, ſo that he be not admitted to plead and demur to the whole.

Sec. 27 *And be it enacted*, That all the ſtatutes of England and Great Britain, for the amendment of the law, commonly called *Statutes of Jeofails*, and which were heretofore enforced in this government by any act or acts of the General Aſſembly under the late government, are hereby declared to have continued, and to be now in full force in this government, and ſhall be duly obſerved by all judges and juſtices of the ſeveral courts of record within the ſame, according to the true intent and meaning of the ſaid ſtatutes, unleſs where the ſame are or may be altered by this or any other act.

Sec 28 *And be it further enacted*, That for taking the teſtimony of witneſſes, in all cauſes which may be depending in the ſuperior and county courts, the following rules ſhall be obſerved and put in practice, viz.

In all ſuits where witneſſes are to appear at any of the ſaid courts, the clerk, at the requeſt of the party, ſhall iſſue a *ſubpœna*, directed to the ſheriff or other officer of the county, where the witneſs or witneſſes are ſaid to reſide, mentioning the time and place for his, her or their appearance, the names of the parties to the ſuit wherein the teſtimony is to be given, and the party at whoſe inſtance ſuch witneſs of witneſſes is or are ſummoned.

Every *ſubpœna*, made returnable immediately, ſhall be iſſued only in term time, and ſhall be perſonally ſerved on the witneſs or witneſſes therein named.

A copy of every *ſubpœna* iſſued by the clerk in the vacation, in caſe the witneſs or witneſſes therein named is or are not to be found, may be left at their uſual places of reſidence; and ſuch copy certified by the ſheriff or other officer, left as aforeſaid ſhall be deemed a legal ſummons, and the perſon or perſons therein named ſhall be bound to appear in the ſame manner as if perſonally ſummoned.

Sec. 29. *Be it enacted*, That every witneſs being ſummoned to appear in any of the ſaid courts, in manner as herein before directed, ſhall appear accordingly, and continue to attend from term to term, until diſcharged by the court, or the party at whoſe inſtance ſuch witneſs ſhall be ſummoned; and in default thereof ſhall forfeit and pay to the party at whoſe inſtance the ſubpœna iſſued, the ſum of one hundred and twenty five dollars, and ſhall be further liable to the action of ſuch party for the full damages which may be ſuſtained for want of ſuch witneſs's teſtimony, who ſhall recover the ſame by *Scire Facias*, with coſts. *Provided always*, That if it ſhall ſo happen that the ſuit depending ſhall in the vacation be accommodated and ſettled between the parties, and the party at whoſe inſtance ſuch witneſs was ſummoned, ſhould neglect or omit to diſcharge him or her from further attendance, and he or ſhe, for want of ſuch diſcharge, ſhould attend at the next term, then and in that caſe the witneſs, upon oath made of the facts, ſhall be entitled to a ticket from the clerk in the ſame manner as other witneſſes, and ſhall recover from the party at whoſe inſtance he was ſummoned, the ſame allowance which by this act is given to witneſſes for their attendance at the ſaid court with coſts *Provided alſo* That if any witneſs ſhall hereafter ſwear falſely, in order to obtain a ticket, he ſhall upon conviction be adjudged guilty of perjury, and ſuffer as in caſes of corrupt and wilful perjury *And provided further*, That if ſufficient cauſe be ſhewn by the perſon ſo ſummoned and failing to appear, of his or her incapacity to attend at the time and place mentioned in the ſubpœna, then no forfeiture or penalty ſhall be incurred by ſuch failure; but if on notice given by the court ſufficient cauſe be not ſhewn at the next ſucceeding term after ſuch failure, it ſhall and may be lawful for ſuch court, on motion, to grant judgment and award execution for the forfeiture before mentioned, againſt the perſon ſo ſummoned and failing to appear as aforeſaid.

Sec. 30 *And be it enacted*, That when any perſon who may be a witneſs in any cauſe in any of the ſaid courts, ſhall reſide out of this Territory, or ſhall by reaſon of age, bodily infirmity, or any other cauſe, be incapable of attending to give his teſtimony in court, oath thereof being made, or the truth of the matter otherwiſe appearing, the judge or judges of the court wherein ſuch ſuit is depending, ſhall and may, by commiſſion, empower ſuch and ſo many perſons as may be thought neceſſary, to take and receive the depoſition of ſuch witneſs; which being duly taken and returned as hereinafter is directed, ſhall be received as legal teſtimony—*Provided always*, That the party praying ſuch commiſſion, ſhall give ſuch notice to the adverſe party of the time and place when and where ſuch commiſſion is to be executed, as the court ſhall think proper; and the adverſe party ſhall have power to croſs examine any witneſs whoſe depoſition ſhall be ſo taken: And all depoſitions otherwiſe taken than as herein is directed, unleſs by conſent of parties, ſhall be void to all intents and purpoſes.

Sec. 31. *And be it enacted*, That if any perſon, who may be a witneſs in any cauſe depending in any of the ſaid courts, ſhall be under the neceſſity of leaving this government before ſuch cauſe is to be tried, or even before ſuch cauſe ſhall be at iſſue, upon oath thereof made before any of the juſtices of ſaid courts, ſuch juſtice is hereby empowered to order the clerk of the court where ſuch cauſe is depending, to iſſue a commiſſion to one or more perſons to take the depoſition of ſuch witneſs, notice being firſt given to the adverſe party of the time and place when and where ſuch a depoſition is to be taken, at leaſt ten days previous to the time of executing ſuch commiſſion: which depoſition, when returned, taken in manner aforeſaid, ſhall be received as legal evidence.

Sec. 32. *And be it enacted*, That if any perſon, who ſhall be ſummoned as a witneſs in any of the ſaid courts, or before any perſon appointed to take depoſitions as aforeſaid, ſhall refuſe to give teſtimony on oath, ſuch perſon ſo refuſing, ſhall by the court, or by the commiſſioner before whom he ſhall be ſummoned, be committed to the common priſon, there to remain without bail or mainprize, until he ſhall be willing to give teſtimony in ſuch manner as the law doth or may direct—*Provided*, The people called Quakers ſhall have the liberty of giving their teſtimony by way of ſolemn affirmation, in all cauſes whatſoever, exminal as well as civil—*And provided alſo*, That all Negroes, Indians, Mulattoes, and all perſons of mixed blood, deſcended from Negro and Indian anceſtors, to the third generation incluſive (though one anceſtor of each generation may have been a white perſon) whether bond or free, ſhall be taken and deemed to be incapable in law to be witneſſes in any caſe whatever, except againſt each other. *And provided further*, That no perſon of mixed blood in any degree whatſoever, who has been liberated within twelve months previouſly, ſhall be admitted as a witneſs againſt a white perſon.

Sec. 33 *Be it enacted* That every witneſs being ſummoned to appear in any of the ſaid courts on a criminal proſecution or plea of the government, ſhall appear accordingly, and continue to attend from day to day, until diſcharged by the court, the attorney for the government, or the party at whoſe inſtance he ſhall be ſummoned; and in default thereof ſhall forfeit and pay the ſum of two hundred and fifty dollars, for the uſe of the government, unleſs upon notice iſſued and made known, ſufficient cauſe be ſhewn for ſuch failure, at the next ſucceeding term

Sec. 34 *And be it enacted*, That during the attendance of any perſon ſummoned as a witneſs to any court whatſoever, and during the time that ſuch perſon is going to, and returning from the place of ſuch attendance, allowing one day for every twenty five miles ſuch witneſs hath to travel to and from his place of reſidence, no ſheriff or other officer ſhall ſerve or execute on any perſon ſo attending, going to, or returning from ſuch court, any writ or proceſs, warrant, order, judgment or decree in any cauſe, (ſummons for witneſſes excepted) and if any ſuch ſhall be executed, the ſame ſhall be, and is hereby declared null and void.

Sec. 35. *And be it enacted*, That each perſon who ſhall attend any of the ſaid ſuperior courts as a witneſs, ſhall be allowed for each and every day's attendance, and for every thirty miles he or ſhe ſhall travel going to and returning from the ſaid court, the ſum of one dollar—And that each perſon who ſhall attend any county court, ſhall be allowed for each and every day's attendance, fifty cents, and for every thirty miles he or ſhe ſhall travel going to and returning from the ſaid court, the ſum of one dollar—*Provided*, this allowance for milage ſhall not be made to perſons attending as witneſſes in the county in which they reſide.

Sec. 36. *And be it enacted*, That the clerks of the ſaid courts are hereby empowered and directed to take probate of all evidence tickets, and certify the ſame

Sec. 37. *And be it enacted*, That the ſaid courts ſhall have power and authority to grant writs of error, for correcting the errors of any inferior courts; and the party praying ſuch writ, before the ſame ſhall iſſue, ſhall aſſign error, and give bond and ſecurity to the ſatisfaction of the court, to abide by, perform, and fulfil the judgment which ſhall be given thereon by ſuch court; and if upon argument of any writ of error, or trial of any appeal from an inferior court the judgment or decree of the inferior court ſhall be reverſed, the ſuperior court ſhall grant judgment, or make ſuch decree thereupon as ſhould have been made up or entered in ſuch inferior court, and ſhall and may iſſue execution thereupon, without granting a writ of *Precedendo*; and to prevent the obtaining of writs of error by ſurprize, the party praying ſuch writ in a civil cauſe, ſhall give notice in writing to the adverſe party, at leaſt ten days before motion, of his intention to move for ſuch writ; and no ſuch writ ſhall be granted without affidavit of ſuch notice.

Sec. 38. *And be it enacted,* That the governor or commander in chief, for the time being, by and with the advice of any two of the legiſlative council, is hereby empowered and required, as often as it ſhall be found neceſſary, to ſue a commiſſion to the juſtices of the ſuperior courts of this territory, empowering them, or any of them to hold a court of ſeſſions of the peace, *Oyer* and *Terminer,* for the trial of ſuch offenders, and to hear, try and determine all crimes and miſdemeanors, of what nature or kind ſoever, wherewith ſuch offenders, or any of them, ſhall ſtand charged, and to give judgment and award execution thereon.

Sec. 39 *And be it enacted,* That courts of pleas and quarter ſeſſions ſhall continue to be held as heretofore, in each and every county in this territory.

Sec. 40. *And be it enacted* That the time elapſed from the ſixth day of March, 1773, until the 24th day of December, 1777, ſhall not be allowed of in any plea of limitation, or in the computation of time allowed for proving accounts under the act for aſcertaining the method of proving book debts

Sec. 41. *And be it enacted,* That every perſon who ſhall be appointed a juſtice of the peace, and juſtice of any county court, before entering upon and executing the ſaid offices, ſhall publicly take the oath to ſupport the conſtitution of the United States, and the following oath, to wit: "I *A B* do ſolemnly ſwear, that as a juſtice of the peace, and a juſtice of the county court of pleas and quarter ſeſſions, in the county of———in all things I will do equal right to the poor and to the rich, to beſt of my judgment, and according to the laws of the territory; I will not privately or openly, by myſelf or any other perſon, be of counſel in any quarrel or ſuit depending before me; and I will hold the county court and quarter ſeſſions of my county, as the ſtatutes in that caſe ſhall and may direct — The fines and amerciaments that ſhall happen to be made, and the forfeitures that ſhall be incurred, I will cauſe to be duly entered without concealment: I will not wittingly or willingly take myſelf, or any other perſon for me, any fee, gift, gratuity or reward whatſoever, for any matter or thing by me to be done, by virtue of my office, except ſuch fees as are, or may be directed and limitted by law; but well and truly, I will do my office of a juſtice of the peace, as well within the county court of pleas and quarter ſeſſions as without: I will not delay any perſon of common right by reaſon of any letter or order from any perſon or perſons in authority to me directed, or for any other cauſe whatſoevever; and if any letter or order come to me contrary to law, I will proceed to enforce the law ſuch letter or order notwithſtanding. I will not direct, or cauſe to be directed, any warrant by me to be made to the parties; but will direct all ſuch warrants to the ſheriff or conſtables of the county, or other officers of the territory, or other indifferent perſons to do execution thereof; and finally in all things belonging to my office during my continnauce therein, I will faithfully, truly, and juſtly, according to the beſt of my ſkill and judgment, do equal and impartial juſtice to the public and to individuals. SO HELP ME GOD."

And if any perſon who ſhall be appointed as a juſtice of the peace, ſhall preſume to execute the office of a juſtice of the peace, or the office of a juſtice of any county court, without firſt qualifying himſelf in the manner by this act required, he ſhall forfeit and pay the ſum of two hundred and fifty dollars, one moiety thereof to the territory, towards the ſupport of government, and the other moiety to him or them who will ſue for the ſame, to be recovered with coſts, by action of debt, in any court where the ſame may be cognizable.

Sec. 42. *And be it enacted,* That, if the buſineſs of any of the ſaid courts cannot be determined on the day of the term, the juſtices may adjourn from day to day, not exceeding ſix days, at the end of which time the cauſes and matters which may be depending before them, and not then finally determined, ſhall be continued to the next ſucceeding term

Sec. 43. *And be it enacted,* That if by reaſon of indiſpoſition or other inability, bad weather, or other accidents, it ſhall ſo happen that a ſufficient number of juſtices ſhall not meet for holding the ſaid courts, or any of them, on the days by this act appointed, in ſuch caſe it ſhall and may be lawful for any one juſtice to adjourn the court whereof he ſhall be a member, from day to day, not exceeding three days, until a ſufficient number of juſtices ſhall attend to hold the court.

Sec. 44 *And be it enacted,* That none of the ſaid county courts, nor any proceſs in any of them depending, ſhall be diſcontinued for or by reaſon of the juſtices failing to hold court upon the day by law appointed, or of any alteration of any of the days appointed for holding the ſaid courts; but in every ſuch caſe, all ſuch proceſs, matters, and things depending, ſhall ſtand continued; and all appearances upon returns of proceſs ſhall be made to the next ſucceeding term in courſe, in the ſame manner as if ſuch ſucceeding term had been the ſame term to which ſuch proceſs had ſtood continued, or ſuch returns for appearances had been made; and all recognizances, bonds and obligations for appearances, and all returns ſhall be of the ſame force and validity for the appearance of any perſon or perſons at ſuch ſucceeding term, and all ſummonſes for witneſſes as effectual as if the next ſucceeding term had been expreſsly mentioned therein.

Sec. 45. *And be it enacted,* That the juſtices of the county courts of pleas and quarter ſeſſions, or any three or more of them, ſhall and may take cognizance of, and are hereby declared to have full power, authority and juriſdiction as heretofore, to hear, try and determine all cauſes at law, within their reſpective counties, where the debt, damages or cauſe of action exceeds twenty dollars; and ſhall have, hold and exerciſe juriſdiction in all actions of treſpaſs in ejectment, formedon in deſcender, remainder and reverter, dower and partition, and of treſpaſs *quare clauſum fregit,* and all petit larcenies, aſſaults, batteries and treſpaſſes, breaches of the peace, and other miſdemeanors of what kind ſoever, of an inferior nature, and all actions of detinue, trover, and on penal ſtatutes, ſuits for filial portions, legacies and diſtributive ſhares of inteſtates' eſtates, and all other matters relating thereto; and ſhall alſo have power to remit or mitigate all fines by them inflicted, and all forfeitures on recognizances, previous to entering final judgment thereon. *Provided,* a majority of the juſtices in the ſaid county be preſent when ſuch remittance or mitigation ſhall be made. *Provided alſo,* That if any perſon or perſons ſhall be diſſatisfied with the judgment or decree of any county court entering final judgment againſt him or them, on forfeited recognizances, he or they ſhall be entitled to an appeal to the ſuperior court of the diſtrict, under the ſame rules and regulations of other appeals, which ſuperior court is hereby authoriſed to determine on the premiſes as in other caſes in this act directed—*Provided* That nothing contained in this act ſhall be conſtrued to debar the county ſolicitor, or attorney for the government, from appealing from any judgment given, wherever he ſhall conceive the government has been injured; but that in all ſuch determinations he is hereby expreſsly required to pray an appeal, which the ſaid court ſhall grant accordingly.

Sec. 46 *And be it enacted* That it ſhall and may be lawful for every county court within this Territory, where any idiots or lunatics ſhall be within the juriſdiction thereof, to appoint them, or either of them, a guardian, taking bond, with approved ſecurity, for the faithful adminiſtration of the truſt repoſed in ſuch guardian, in the ſame manner as bonds are taken from the guardians of orphans; and ſuch guardians, when ſo appointed, ſhall continue during the pleaſure of the court, and ſhall have the ſame power, to all intents, conſtructions and purpoſes, and ſhall be ſubject to the ſame rules, orders, and reſtrictions as guardians of orphans appointed by the court; ſuch idiotcy or lunacy to be aſcertained by the inquiſition of a jury, by virtue of a writ to be iſſued by the court, to the ſheriff of the county, for that purpoſe.

Sec. 47. *And be it enacted,* That the ſaid courts of pleas and quarter ſeſſions, ſhall and may, within their reſpective counties, take the probate of wills, and order the ſame to be recorded in proper books, to be kept for that purpoſe; and the ſaid courts ſhall and may make orders for iſſuing letters teſtamentary, and letters of adminiſtration, which letters ſhall be ſigned and iſſued by the clerk of the ſaid court; and may by ſummons, upon application to them made, compel any perſon or perſons whatſoever, within their reſpective counties, having in their poſſeſſion any will or teſtament of any deceaſed perſon, to exhibit the ſame to the court for legal probate thereof; and whoever being legally ſummoned, ſhall, in contempt of the court, refuſe to produce any ſuch will in his or her poſſeſſion, or having been in his or her poſſeſſion, ſhall refuſe to inform the court, on oath, where ſuch will then is, or in what manner he or ſhe hath diſpoſed of the ſame, ſuch perſon ſhall, by order of the court, be committed to the common priſon of the county, there to remain without bail or mainprize, until ſuch will ſhall be produced, and due ſubmiſſion made to the court for the contempt; and the court ſhall, and is hereby empowered, in caſe of ſuch perſon's removal, to iſſue ſuch ſummons and proceſs for commitment into any county in the territory

Sec. 48. *And be it enacted*, That if any perſon, who ſhall claim a right to execute any will, or to adminiſter the eſtate of any inteſtate, and ſhall think himſelf injured by order of court, for letters teſtamentary or of adminiſtration, he ſhall be entitled to an appeal to the ſuperior court of the diſtrict where ſuch order ſhall be made, ſubject to the ſame regulations as in other caſes of appeal; and ſuch ſuperior court is hereby declared to have cognizance thereof, and ſhall, at their ſitting next ſucceeding ſuch appeal, determine the ſame; and upon ſuch determination had, ſuch court ſhall proceed to grant the letters to the perſons entit tled to the ſame, he or ſhe giving bond with ſufficient ſecurity, for the faithful diſcharge of the truſt.

Sec. 49 And for the better preſervation of wills and other papers relating to the eſtates of deceaſed perſons, *Be it enacted*, That all original wills, inventories and accounts of executors and adminiſtrators, ſhall remain in the clerk's office among the records of the reſpective counties where the ſame ſhall be proved or exhibited; and to the ſaid wills, inventories and accounts any perſon may have acceſs as to the other records, except for the time they ſhall or may be removed before any other court, upon the determination of any controverſy.

Sec. 50. *And be it enacted*, That there ſhall be a clerk to each of the ſaid county courts of pleas and quarter ſeſſions, who ſhall each give bond with ſufficient ſecurity, in the ſum of five thouſand dollars, payable to the governor or his ſucceſſor in office, for the ſafe keeping of the records, and the faithful diſcharge of the duties of his office, which ſaid bond ſhall be lodged in the ſecretary's office, and may be aſſigned, and put in ſuit, and recovery had in the ſame manner and according to the rules and reſtrictions as herein before preſcribed for ſuits on bonds given by clerks of the ſuperior courts; and each of the ſaid county court clerks ſhall take an oath to ſupport the conſtitution of the United States, and the oath of office, herein directed to be taken by the clerks of the ſuperior courts, and be ſubject to ſimilar pains and penalties for ſimilar offences.

Sec. 51. *And be it enacted*, That there ſhall be appointed for each county, an attorney or ſolicitor, properly qualified to act for and in behalf of the government, whoſe duty it ſhall be to proſecute all matters cognizable in the county courts of pleas and quarter ſeſſions, wherein he ſhall be appointed, for and in behalf of the government.

Sec 52 *And be it enacted*, That all debts and demands of twenty dollars and under, where the balance is due on any ſpecialty, note, or agreement, for money or ſpecific articles, or for goods, wares, and merchandize ſold and delivered, or work and labour done, are hereby declared to be cognizable and determinable by any one juſtice of the peace, who may give judgment, and thereupon award execution againſt the goods and chattels, or body of the debtor, which ſhall be executed and returned by the ſheriff, conſtable, or other officer to whom the ſame may be directed, in the ſame manner as other writs of *Fieri Facias*, or *Capias ad Satiſfaciendum* are to be executed and returned: *Provided always*, that judgment given by a juſtice of the peace, execution thereon ſhall be ſtayed in the following manner, viz. For all ſums not exceeding five dollars, thirty days: For all ſums above five dollars, and not exceeding ten dollars, ſixty days: And for all ſums above ten dollars, one hundred and twenty days; for the full and true payment of which, with coſts and intereſt until paid, the party requiring ſuch ſtay of execution, ſhall give ſufficient ſecurity, if required by the adverſe party; and if the ſaid judgment ſhall not be diſcharged at the time to which the execution thereon may have been ſtayed, then it ſhall and may be lawful for any juſtice to iſſue execution in the uſual form, for the ſame, againſt the principal and his ſecurities.

Sec 53. *And be it enacted*, That where a witneſs lives in another county within this Territory, in trials before a ſingle juſtice, ſuch juſtice may iſſue a *Dedimus Poteſtatem* to any juſtice of the county wherein the witneſs reſides, who ſhall take the depoſition of ſuch witneſs in the manner preſcribed, where depoſitions have been heretofore given by county courts; and the depoſitions ſo taken and returned to the juſtice who granted the *Dedimus Poteſtatem* ſhall by him be received as ſufficient evidence in the caſe for which it was granted.

Sec. 54 *And be it enacted*, That if either party on a trial before a juſtice of the peace, ſhall be diſſatisfied with the judgment of ſuch juſtice, ſuch party may appeal to the next county court of pleas and quarter ſeſſions, firſt giving ſecurity for proſecuting ſuch appeal with effect, which ſaid appeal ſhall be tried and determined at the firſt court, by a jury of good and lawful men, and determination thereon ſhall be final: *Provided* That the cauſe ſhall be tried by, and the appeal made from ſuch juſtice, five days at leaſt, before the term to which the appeal ſhall be made, otherwiſe the cauſe ſhall be continued to the next ſucceeding term. *And provided further*, That the juſtice or juſtices before whom the ſuit was firſt heard, ſhall at the requeſt of the reſpective parties, ſummon ſuch witneſſes to court as they ſhall name; but ſhall not ſit in court, or give judgment on the appeal.

Sec 55. *And be it enacted*, That every juſtice of the county courts ſhall have power, and they are hereby authorized and required, upon any complaint being made by any perſon or perſons, for any debt or damage, matter or thing, cognizable in the county courts of pleas and quarter ſeſſions of this Territory, to grant an original attachment againſt the eſtate of any perſon abſconding, or concealing himſelf, or removing out of the county privately, returnable to the court of ſuch county, obſerving therein the rules and reſtrictions directed, for granting original attachments in the ſuperior courts; and all ſheriffs and coroners ſhall execute and return the ſame, and obſerve the rules and directions appointed to be obſerved in executing attachments returnable to the ſuperior courts; and the like judgment, recovery, remedy, relief, and proceedings ſhall be had thereupon, as in like caſes are grantable in the ſaid ſuperior courts.

Sec. 56. *And be it enacted*, That any one juſtice of the peace, in caſes where, by this act, he has juriſdiction, may iſſue an original attachment againſt the eſtate of any abſconding or abſent debtor, upon the oath of the plaintiff, his agent or attorney, directed to the ſheriff or any conſtable of the county, firſt taking ſufficient ſecurity, as in other caſes of attachments; and the proceedings thereon ſhall be in a ſummary way, in the ſame manner as on a warrant, and the defendant may replevy the goods attached, and either party may appeal from the judgment of the juſtice, in manner as herein before directed.

Sec. 57 *And be it enacted*, That all original proceſs, and all ſubſequent proceſs thereupon, to bring any perſon or perſons to anſwer to any action, ſuit, bill, or plaint, in any county court of pleas and quarter ſeſſions, (except ſubpœnas for witneſſes, which in term time may be made returnable immediately) ſhall be iſſued by the clerk of ſuch court, and ſhall be returnable to the firſt day of the term, and ſhall be executed at leaſt five days before the return thereof. And if any perſon takes out any writ or proceſs, while ſuch court is ſitting, or within five days before the beginning of the term, ſuch writ or proceſs ſhall be made returnable to the term next after that then held, or to be held, within five days as aforeſaid, and not otherwiſe; and all writs and proceſs iſſued, made returnable or executed in any other manner, or at any other time than is herein before directed, may be abated upon the plea of the defendant: *Provided always*, That nothing herein contained ſhall extend, or be conſtrued to extend, to invalidate or vacate any writ, proceſs, warrant or precept iſſued by a juſtice, or other officer, having juriſdiction thereof, on any criminal proſecution, or in behalf of the government; but the ſame may be made returnable to any day in the term; and the proceedings in all criminal caſes ſhall be had according to the laws and ſtatutes of this government, and in the mode heretofore practiſed within the limits thereof, under the laws formerly in uſe therein.

Sec. 58 *And be it enacted*, That when any writ or proceſs ſhall iſſue to take the body or bodies of any perſon or perſons, to anſwer to any plaintiff in any civil action in any county court of pleas and quarter ſeſſions, the ſheriff ſhall return therewith a bail bond, with two ſufficient ſecurities, for double the ſum for which the perſon or perſons ſhall be held in arreſt (executors and adminiſtrators, and perſons ſued, on ſuch penal ſtatutes as do not expreſsly require bail, excepted) to the clerk, on or before the firſt day of every term; and if the ſheriff ſhall not return bail, or the bail returned be held inſufficient, upon exception taken thereto and entered on the docket the ſame term to which the writ ſhall be returnable, and notice given that term to the ſheriff to juſtify, then and in ſuch caſe the ſheriff ſhall be held and ſtand as ſpecial bail for the defendant, and the plaintiff may proceed to judgment according to the rules hereinafter mentioned; and the plaintiff, on recovery, may take out execution againſt the defendant, or ſheriff, or both, any law, uſage, or cuſtom to the contrary notwithſtanding—*Provided always*, That if the defendant puts in bail, before the time to plead, by the rules herein after mentioned, is expired, then the ſheriff ſhall be diſcharged—*Provided alſo*, that the ſheriff may ſurrender the defendant in diſcharge of himſelf, at any time before final judgment obtained againſt the ſaid bail.

Sec 59 *And be it enacted*, That where any judgment or decree ſhall be obtained in any county court of pleas and quarter ſeſſions, for any debt, damages, portion, legacy, or diſtributive ſhare of an inteſtate's eſtate, and the perſon againſt whom ſuch judgment or decree ſhall be obtained, ſhall remove him or herſelf and effects, or ſhall reſide out of the limits of the juriſdiction of ſuch court, it ſhall be lawful for the clerk of the court where ſuch judgment ſhall be given, or decree made, at the requeſt of the plaintiff, to iſſue execution to any county of this government, where the defendant or his goods may be found; and the ſheriff or other officer to whom the ſame may be directed, is hereby empowered and required to execute the ſame, and make return thereof in the ſame manner as is directed for proceſs iſſuing from the ſuperior courts. And for the better aſcertaining what proceſs may be iſſued, where the ſheriff ſhall return that the defendant is not to be found in his county, *It is hereby enacted*, That when any ſheriff ſhall make ſuch return, the plaintiff in any civil action may take out an attachment againſt the eſtate of ſuch defendant, returnable as is herein before directed for the return of other proceſs, thereupon to enforce an appearance, or an *Alias* or *Pluries Capias*, until ſuch defendant be arreſted, at the election of the plaintiff; and if the ſheriff ſhall return ſuch attachment executed, the plaintiff ſhall file his declaration according to the rules of the court, and proceed as in other caſes

Sec 60. *And be it enacted*, That the ſame rules, method, and proceedings ſhall be had, kept, and obſerved, by the ſaid county courts of pleas and quarter ſeſſions, and the officers thereof, in granting iſſuing, executing, and returning proceſs, and awarding judgment on judicial attachments, and the like remedy, recovery, and relief againſt the sheriff and bail, as in like caſes are provided by law in ſuits depending, or to be commenced in the ſuperior courts of law

Sec. 61. And for the regular proſecution and determination of ſuits, entering up judgments, and preſervation of the records in the ſaid county courts of pleas and quarter ſeſſions, *Be it enacted*, That the following rules and method ſhall be obſerved, to wit:

The plaintiff in every ſuit ſhall file his declaration within the three firſt days of the term, or firſt calling of the cauſe in court.

If the plaintiff fails to file his declaration or to appear and proſecute his ſuit, the defendant may enter a *non proſs*.

The defendant ſhall enter his appearance, and file his plea in writing, whether general or ſpecial, the firſt term; and if he fails ſo to do, the plaintiff ſhall have judgment, which in actions of debt ſhall be final, except where damages are ſuggeſted on the roll, in which caſe, and in all others, where the plaintiff is to recover in damages, a writ of enquiry ſhall be executed the next ſucceeding term

The defendant may plead as many ſeveral matters as he may think neceſſary, ſo that he be not admitted to plead and demur to the whole.

All iſſues, whether general or ſpecial, ſhall be heard and tried the next ſucceeding term after the iſſue ſhall be made up, unleſs ſufficient cauſe be ſhewn to the court why ſuch cauſe ſhall be continued.

All jury cauſes at iſſue ſhall be firſt heard and tried. Every motion in arreſt of judgment ſhall be argued the laſt day of the term in which the iſſue ſhall be tried the defendant's attorney firſt ſerving the plaintiff's attorney with a copy of the reaſons in arreſt of judgment, unleſs, upon ſufficient reaſon ſhewn and approved of by the court, further time ſhall be allowed.

When a ſpecial verdict ſhall be found, a caſe agreed, a demurrer filed, or a bill of exceptions to evidence tendered, time ſhall be allowed at the motion of either party, to the next ſucceeding term

Sec. 62. *And be it enacted*, That it ſhall not be lawful for any court to grant a continuance of any cauſe therein depending, but by conſent of both parties, or on cauſe ſhewn by affidavit filed, which cauſe ſhall be held ſufficient in law for the ſaid continuance.

And for prevention of vexation by dilatory pleas, *It is hereby enacted*, That no plea in abatement ſhall be received in any action or ſuit, in the ſaid county courts, unleſs the truth thereof be ſufficiently ſhewn to the court, by affidavit or otherwiſe. And in all actions where the declaration ſhall plainly ſet forth ſufficient matter of ſubſtance for the court to proceed upon the merits of the cauſe, the ſuit ſhall not abate for want of form in the proceedings; and when any plea ſhall be pleaded in any action, and upon argument thereof, the ſame ſhall be adjudged inſufficient to abate ſuch action, the plaintiff ſhall recover againſt the defendant full coſts to the time of over ruling ſuch plea, including the coſts of court.

Sec. 63. *And be it enacted,* That when any perſon or perſons, either plaintiff or defendant, ſhall be diſſatisfied with the ſentence, judgment, or decree of any county court, he may pray an appeal from ſuch ſentence judgment, or decree, to the ſuperior court of law of the diſtrict wherein ſuch county court ſhall be; but before obtaining the ſame, ſhall enter into bond with two ſufficient ſecurities, for proſecuting the ſame with effect, and for performing the judgment, ſentence, or decree which the ſuperior court ſhall paſs or make thereon, in caſe ſuch appellant ſhall have the cauſe decided againſt him—*Provided nevertheleſs,* That before the granting any appeal whatever, the attorney praying the ſame, ſhall certify to the court in writing, reaſons for his motion, with his opinion that the ſame are good and ſufficient in law why ſuch appeal ought to be granted, which certificate aforeſaid, ſigned with the name of the ſaid attorney, ſhall make part of the record, and be tranſmitted, with the other tranſcript of the cauſe, to the ſuperior court aforeſaid.

Sec 64 And whereas, from the manner in which appeals from the county courts of pleas and quarter ſeſſions have been heretofore obtained, in numerous inſtances frequent injuſtice has happened to many juſt ſuitors, from the delay incident to the ſaid appeals: for remedy whereof, *Be it enacted,* That when any appeal prayed ſhall not be proſecuted, or the court before whom ſuch appeal may be determined, ſhall affirm the judgment, then ſhall the appellant be decreed to pay the appellee twelve and a half per cent. intereſt, from the paſſing of the judgment in the county court, by which ſuch appeal may have been granted; and the bonds taken for proſecution of appeals with effect, ſhall hereafter make a part of the records ſent up to the ſuperior court on which judgment may be inſtanter entered up againſt the appellant and his ſecurities; and no appeal in any cauſe or court whatſoever, ſhall be abated by the death of either plaintiff or defendant, but may be proceeded on by application of the heirs, executors, adminiſtrators, or aſſigns of either.

Sec. 65 And becauſe it may happen, that in iſſuing proceſs, carrying on the proceedings, and rendering judgments in the ſaid county courts, there may be error to reverſe judgment; *Be it enacted,* That when any perſon ſhall be deſirous to proſecute a writ of error, he ſhall move the county court of pleas and quarter ſeſſions, where ſuch ſuit is or hath been depending, to allow a writ of error, he firſt entering into bond and ſecurity, to the ſatisfaction of the court, to abide by, perform, and fulfil the judgment which ſhall be given thereon by ſuch court; and the court is hereby empowered and required to allow thereof, as if ſuch writ of error ſhould be then and there produced from the ſuperior court.

Sec. 66. And for proſecuting appeals, *Be it enacted,* That when any perſon ſhall have appealed to the ſuperior court in manner above directed, a tranſcript of the record of the ſuit on which the appeal ſhall be made, ſhall be delivered to the clerk of the ſuperior court at leaſt fifteen days before the ſitting of the term, and ſhall by him be filed the ſame day on which he receives the ſame; and if the trial of the county court was of an iſſue to the country, a trial *de novo* ſhall be had. And if on a hearing on a petition for a filial portion or legacy, or diſtributive ſhare of an inteſtate's eſtate, or other matter relating thereto, a re-hearing at the ſuperior court, without notice given by either party, and if ſuch tranſcript of the record is not filed within the time aforeſaid, or if the appellant ſhall fail to appear, or to proſecute his appeal, then the judgment, ſentence or decree of the county court ſhall be affirmed.

Sec 67 And for proſecuting writs of error, *Be it enacted*, That the following method of practice ſhall be obſerved: A tranſcript of the records and proceedings in the county court, in the ſuit in which any writ of error ſhall be granted or allowed, ſhall be tranſmitted and delivered to the clerk of the ſuperior court at leaſt fifteen days before the ſitting of the term And in caſe the plaintiff in error ſhall neglect to file ſuch writ, and aſſign error as aforeſaid, or ſhall fail to appear, or to proſecute the ſame then the judgment of the county court ſhall be affirmed. *Provided always*, That if it ſhall ſo happen, that there ſhall not be thirty days between the laſt day of the term or hearing in the county court, and the next term of the ſuperior court, to which ſuch appeal ſhall be made, or writ of error allowed, then ſuch appeal or writ of error ſhall be continued, and a tranſcript of the records and proceedings ſhall be tranſmitted and filed in like manner in the office of the ſuperior court, the term ſucceeding that which ſhall immediately follow ſuch county court term, in which ſuch trial and hearing ſhall be had as aforeſaid

Sec 68 *And be it enacted*, That in every county court of pleas and quarter ſeſſions within this territory, when any appeal ſhall be granted, or writ of error allowed, the clerk of ſuch court ſhall immediately make up a full and perfect record of all the proceedings in ſuch cauſe; and ſhall, within ten days after the final adjournment of the term in which the cauſe ſhall be heard, give an atteſted copy of ſuch record, with a taxation of all coſts accrued, to the appellant. or plaintiff in error, if required, and ſhall endorſe on ſuch copy the day or days on which the ſame may have been demanded, and the day on which it ſhall be delivered, and ſign his name as clerk thereto. And if, by reaſon of the delay of any clerk, any tranſcript ſhall not be filed in time, or that the record is ſo erroneouſly or inartificially made up, that the ſuperior court cannot proceed thereon, ſuch clerk, in any of the ſaid caſes, ſhall, upon trial, be adjudged guilty of miſbehaviour in office, and ſhall forfeit and pay to the perſon entitled to ſuch atteſted copy, the ſum of one hundred and twenty five dollars, to be recovered by action of debt in any court having cognizance thereof; and ſhall be further liable to an action on the caſe, for all damages which ſuch perſon may ſuſtain for want of ſuch copy. *Provided always*, That if the judge or judges of the ſuperior court ſhall be of opinion that there appears to be ſufficient matter of ſubſtance in the tranſcript of the record and proceedings on any appeal or writ of error to enable them to proceed thereon, the ſame ſhall not be diſmiſſed for want of form, any thing herein contained to the contrary notwithſtanding.

Sec 69. *And be it enacted*, That the clerks of the ſuperior courts reſpectively, upon receiving a tranſcript of the record and proceedings in any ſuit, on which an appeal ſhall be made or writ of error allowed, ſhall give a receipt to the perſon delivering the ſame, and ſhall immediately endorſe thereon the day on which it ſhall be delivered; and if he recieve it in fifteen days before the ſitting of the term of the then next ſuperior court, he ſhall enter it on the docket of cauſes for trial, and deliver to the parties ſuch ſummonſes for their witneſſes as they may require; but if ſuch tranſcript ſhall be delivered to the clerk of the ſuperior court within fifteen days before the ſitting of ſuch term as aforeſaid, then ſuch clerk ſhall enter the cauſe on the reference docket of ſuch court; and if the clerk of any ſuperior court ſhall refuſe, neglect or omit to do any of the duties which he is hereby required to perform, ſuch clerk ſhall, upon trial and conviction, be deemed guilty of miſbehaviour in office, and ſhall forfeit and pay to the appellant or or plaintiff in error, two hundred and fifty dollars, to be recovered by action of debt, in any court having cognizance thereof and be further liable to an action on the caſe, for all damages which ſuch appellant, or plaintiff in error may ſuſtain by reaſon of ſuch refuſal, neglect or omiſſion.

Sec. 70. *And be it enacted*, That all fines, amerciaments, forfeitures and recoveries on penal ſtatutes, as are or ſhall be directed to be applied to the uſe of the government, ſhall by the reſpective clerks of the courts of law, be accounted for on oath and paid to the treaſurer once in every year. And all fines, amerciaments, forfeitures and recoveries, on penal ſtatutes directed to be applied to any other public or county uſe, and to be received by any other perſon or perſons ſhall be accounted for in like manner, and paid to the perſon or perſons to whom the ſame is or may be payable And if any clerk ſhall fail or neglect to account or pay in manner as by this act is directed, or ſhall conceal any money or monies which are payable as aforeſaid, ſuch failure or neglect ſhall be deemed a miſbehaviour in office.

Sec. 71. *And be it enacted*, That every perſon accuſed of any crime or miſdemeanor whatſoever, ſhall be entitled to council in all matters which may be neceſſary for his defence, as well to facts as to law; and every perſon on trial for his life, may make a peremptory challenge of thirty five jurors.

Sec. 72. *And be it enacted*, That the clerks of the ſuperior courts ſhall keep their offices in the reſpective towns where the ſaid courts are directed to be held; and the clerks of all the ſeveral courts of law, ſhall, by themſelves or their lawful deputies, give due atendance at their reſpective offices; and all deputies ſhall take the oath appointed for the qualification of public officers, and an oath of office. And in caſe of the death of the clerk of any court, his deputy ſhall hold the office of clerk until he or another ſhall be appointed, and ſhall be entitled to the fees and perquiſites of the office until ſuch appointment.

Sec 73. *And be it enacted*, That the time elapſed between the ſixth day of March, one thouſand ſeven hundred and ſeventy three and the nineteenth day of March, one thouſand ſeven hundred and ſeventy four, and the time between the tenth day of September, one thouſand ſeven hundred and ſeventy five and the twenty fourth day of December, one thouſand ſeven hundred and ſeventy ſeven, ſhall not be allowed of in the county courts, in any plea of limitation, or in the computation of time allowed for proving accounts, under the act aſcertaining the method of proving book debts.

Sec. 74. *Be it enacted* That in all actions whatſoever, the party in whoſe favor judgment ſhall be given, or in caſe of a non-ſuit, diſmiſſion or diſcontinuance, the defendant ſhall be entitled to full coſts, unleſs where it is or may be otherwiſe directed by law.

Sec. 75. *And be it enacted*, That it ſhall and may be lawful for the clerks of the ſuperior and county courts, on the fees not being paid by the party from whom they are due, to make out execution, directed to the ſheriff of the county where the party reſides; and the ſaid ſheriff ſhall levy the ſame by virtue of the ſaid execution, as in other caſes. And to the ſaid execution ſhall be annexed a copy of the bill of coſts of the fees on which ſuch execution ſhall iſſue, wrote in words at length, without abbreviation whatſoever; and all executions iſſuing without the copy of ſuch bill of coſts annexed, ſhall be deemed illegal, and no ſheriff ſhall ſerve or execute the ſame.

Sec. 76. And whereas great injuſtice is done to witneſſes appearing in behalf of the government, by their having no allowance for their attendance at the ſuperior and county courts as ſuch, *Be it enacted*, That ſuch witneſſes ſhall be allowed the ſame pay for their daily attendance, as is allowed to witneſſes attending upon civil proſecutions; and ſuch fees for attendance ſhall be paid by the defendant, on conviction. And if the government ſhall fail upon the proſecution of any offence of an inferior nature, the court may, at their diſcretion, order the coſts to be paid by the proſecutor, in caſe ſuch proſecution ſhall appear to have been frivolous or malicious; and in caſe the defendant ſhall not be able to pay coſts, or the court ſhall not think fit to order the proſecutor to pay the ſame, that then, and in that caſe, the clerks of the ſuperior and county courts ſhall grant a certificate of attendance to ſuch witneſſes, in manner as tickets are directed to be granted to witneſſes in civil cauſes; and ſuch tickets may be received by the ſheriffs in payment of public dues.

Sec. 77. *And be it enacted*, That any act or clauſe of an act prohibiting more than one attorney from pleading in the ſame ſuit in any of the courts of law within this territory, is hereby repealed.

And it is declared, That the true object in paſſing this amendatory act, is that ſuch parts of the act which it amends, not inſerted in this amendatory act, are conſidered as inapplicable to the preſent form of government. *And it is further declared*, That every part of the ſaid act, not inſerted in this amendatory act, is to be conſidered of no force or effect, but repealed, as being inapplicable to our preſent form of government.

And be it further declared, That it is not the intention of the general aſſembly, in this amendatory act, to do away the force and effect of any act bottomed on the act which it amends, except ſuch parts of ſuch acts as are included in this amendatory act; but on the contrary, all acts bottomed on the act which this act is paſſed in amendment to, and not included in this act, are declared to be in as full force and effect as if this act had not been paſſed; among which are conſidered, an act giving equity juriſdiction to the ſuperior courts of law; and an act making proceſs in equity effectual againſt perſons who abſcond, and who reſide without the limits of this government, and for better regulating the proceedings in courts of equity; excepting only the proviſional clauſe to the ſecond ſection of an act, entitled, "an act for giving equity juriſdiction to the ſuperior courts;" which ſaid proviſional clauſe is expreſſed in the following words: "Provided, that no final decree ſhall be paſſed by any ſuch court, but where two of the judges at leaſt are preſent," be and the ſame is hereby declared to be repealed.

CHAP. II.

An ACT *to regulate and aſcertain the ſeveral officers fees therein mentioned*—(PASSED SEPTEMBER 29, 1794.)

SECTION 1. BE *it enacted by the Governor, Legiſlative Council, and Houſe of Repreſentatives of the Territory of the United States of America ſouth of the river Ohio*, That the ſeveral officers herein mentioned, ſhall take and receive the following and no greater fees whatſoever, for the following ſervices, *to wit.*

To the clerks and maſters in equity—For a report on an anſwer, twenty five cents.—On a plea and anſwer, twenty five cents.—On a demurer and anſwer, twenty five cents—For an affidavit to an anſwer, twelve cents.—On an affidavit to a bill, twelve cents—For a ſeparate affidavit, fifteen cents.—For a copy by the office copy ſheet, twelve cents—For a report, ſtating an account, one fourth per cent. on the amount of each account exhibited, when the account is made five hundred pounds, and one eighth per cent for all ſums over five hundred pounds.—For copies of proceedings and exemplifications, copy ſheet, ten cents.—For taking a bond, ten cents.—For every rule, given for ſervice, ſixteen cents—For every rule, not for ſervice, eight cents—For every ſubpœna, writ, or other proceſs, ſixty cents.—For every dedimus, or commiſſion, thirty cents.

The clerks of the ſuperior courts of law.—For every leading proceſs, returned to the firſt court, including all ſervices thereon, together with the diſmiſſion or final judgment, where either happens, one dollar and twenty five cents.—For every continuance, or reference of every cauſe, after the ſecond court, including all fees for every neceſſary ſervice, fifty cents. For entering every preſentment or indictment, together with charging the priſoner, and entering his plea, ſeventy five cents. For the court at which the cauſe is determined, including all fees for every neceſſary ſervice thereon, and entering final judgment, incluſive, two dollars. For every ſubpœna, provided the party inſert no more than four witneſſes in the ſame, twenty five cents. For every execution, or order of ſale, when neceſſarily iſſued and returned, including all ſervices thereon, with taxing coſts and copy, and entering ſatisfaction, fifty cents. For every *ſcire facias* againſt bail, with making an iſſue thereon, or entering judgment without plea, including fees for every ſervce neceſſary thereon, provided that the party caſt ſhall not be ſubject to this unleſs the *ſcire facias* is requiſite, and required by the plaintiff, one dollar. For giving a copy of the record of any cauſe when demanded by either of the parties, ſeventy five cents.—For every recogniſance, twenty five cents—For every order, or rule of court, made on matters foreign to the ſuit depending in court, and copy thereof, when demanded, thirty cents.—For ſearching a record out of court, twelve cents—For a commiſſion to take the examination of a feme covert, or witneſſes, in any cauſe depending, entering the return thereon, and all other ſervices neceſſary thereon, twenty five cents.—For a ſpecial *venire facias*, in an action of ejectment, or where the bounds of land ſhall come in queſtion, when the ſaid writ ſhall be iſſued, one dollar.—For a ſpecial verdict, demurer, or motion in arreſt of judgment, and argument thereon, fifty cents.—For a writ of error, certiorari, or appeal, with a tranſcript of the record, and all ſervices neceſſary thereon, two dollars — For making certificates of witneſſes or jurymen's attendance, eight cents.—For each ſecurity taken in iſſuing a writ, twenty five cents,—For recording ſaid bond, twenty five cents.

To the clerks of the county courts of pleas and quarter ſeſſions.——For every leading proceſs, returned to the firſt court, including all ſervices, together with diſmiſſion, or final judgment, where either happens, one dollar and twenty five cents.—For every preſentment or indictment, charging the priſoner, and entering his plea, ſeventy five cents —For entering and filing every recognizance, twenty five cents.—For every continuance or reference of any cauſe after the ſecond court, including all fees for every neceſſary ſervice thereon, fifty cents —For the court at which the cauſe is determined, including all ſervices, one dollar and fifty cents. —For every ſubpœna, provided the party inſert no more than four witneſſes in the ſame, twenty five cents.—For every execution or order of ſale, when neceſſarily iſſued, including all ſervices thereon, with taxing coſts, and copy, and entering ſatisfaction, fifty cents.—For every *ſcire facias* againſt bail, with making up an iſſue thereon, or entering judgment without plea, including fees for every ſervice neceſſary thereon, provided that the party paying coſts ſhall not be ſubject to this, unleſs the *ſcire facias* is neceſſary, and required by the plaintiff; one dollar.—For giving a copy of the record of any cauſe, when demanded by either of the parties, ſeventy five cents.—For every order or rule of court, made on matters foreign to the ſuit depending in court, and copy thereof, if demanded, thirty cents.—For entering on the minutes the probate of wills, qualifying executors, making certificates, recording the will, and giving copy thereof, one dollar.—For granting adminiſtration, taking bond, and all other ſervices thereon, one dollar. —For proving and recording at length in bound books, to be kept for that purpoſe, and filing an inventory, account of ſales, or account current, exhibited by an executor, adminiſtrator or guardian, or for ſearch, copy, or certificates of the ſame, ſeventy five cents.—For every marriage licence and bond, one dollar.—For ordinary licence and bond, and all ſervices neceſſary to be done thereon, one dollar.—For tavern rates, twenty five cents.—For ſearching a record out of court, twelve cents.—For proving or entering acknowledgement of a conveyance of land, or other eſtate, and certifying the ſame, with order of regiſtration, or examination of a feme covert without commiſſion, twenty five cents.—For a commiſſion to take the examination of a feme covert, or witneſſes in any cauſe depending in ſaid court, entering the return thereon, and all other ſervices neceſſary, twenty five cents.—For a guardian or other bond, taken in court, including all ſervices, ſeventy five cents —For indentures for binding out apprentices, including all fees for every neceſſary ſervice thereon, ſeventy five cents.—For a ſpecial verdict, demurer, or motion in arreſt of judgment, fifty cents.—For a writ of error or appeal, with a tranſcript of the record, and all ſervices thereon, two dollars.—For making out certificates of witneſſes attendance, eight cents.—For recording a mark or brand, and granting a certificate thereof, if required, twelve cents.—For each ſecurity taken in iſſuing a writ, twenty five cents.—For recording ſuch bond, twenty five cents.—For every certificate to a power of attorney, or other inſtrument of writing, including the fees for annexing the county ſeal, one dollar.—For iſſuing an order to the ſheriff, or ſubpœna for each ſurveyor or juryman to attend on the premiſes on a diſputed claim of land, twenty five cents.—For receiving & recording at length the pannel and verdict of a jury on the trial of a diſputed claim of land, including all fees for every neceſſary ſervice thereon, ſeventy five cents —For the copy of a record certifying to the treaſurer who is, or was ſheriff, or for the ſheriff's bond, or copy thereof, if recorded, to be paid out of the county tax, on the clerk's producing the treaſurer's receipt, one dollar.—For furniſhing the treaſurer with a liſt of the amount of the tax for each year, to be paid out of the county tax on the clerk's producing the treaſurer's receipt, one dollar.—For rendering to the treaſurer an account of the fines, forfeitures and amerciaments that are due and payable to the uſe of the territory, to be paid out of the county tax, on the clerk's producing the treaſurer's receipt, one dollar.—For every petition of a private nature, with argument thereon, excluding ſuch as are conſidered the leading proceſs of a ſuit, thirty three cents.—For every ſubpœna, *Duces Tecum*, fifty cents.—For the proceedings on a petition for laying off a tract of land agreeable to the contract of a perſon deceaſed, when it is part of a larger tract of land, one dollar.—For the copy of ſuch proceedings, fifty cents.—Recording a power of attorney or bond, fifty cents.—For a copy thereof, fifty cents. And all public ſervices done for the county, by the clerks of the county courts, are hereby deemed *ex officio*; amongſt which all notices, or writs of Scire Facias againſt jurymen, ſhall be conſidered; and the reſpective courts may allow reaſonable ſatisfaction for the ſame annually, out of the county tax, not exceeding the ſum of fifty dollars.

Sec. 2. *And be it enacted,* That the clerks of the ſeveral ſuperior and county courts of this Territory, ſhall, and they are hereby required, to put up in ſome public place in their office, an exact copy of the fees by this act allowed; and alſo in the court houſe, during the ſitting of each court; and for every ſuch failure or neglect, they ſhall forfeit and pay the ſum of twelve dollars, to be recovered by warrant for the uſe of any perſon who will ſue for the ſame.

Sec. 3 *And be it further enacted,* That after the paſſing of this act, the ſheriffs in the ſeveral counties in this Territory, ſhall and may receive for their ſervices the following and no other or larger fees for the following ſervices, *to wit*:

For every arreſt, ſeventy cents.—For every bail bond, twenty five cents.—For ſerving a copy of a declaration, twelve cents.—For ſerving a ſubpœna, for each perſon named in the ſame, thirty three cents —For pillorying a perſon, ſixty two cents.—For an attachment the ſame as for an arreſt; and if further trouble by moving of goods, to be taxed by the court.—For executing a warrant of diſtreſs, or an execution againſt the body or goods, two and a half per cent.—For ſummoning, empannelling, and attending on every jury in every cauſe in court, twelve cents. —When a ſpecial venire ſhall iſſue, by order of court, for ſummoning each juror and attending the ſame, twenty five cents.—For attending on the premiſes, on a ſpecial venire facias, per day, two dollars—For ſerving a capias on indictment, one dollar.—Putting a perſon in the ſtocks, and releaſing, ſixty cents.—For every commiment, thirty three cents.—For every releaſement, thirty three cents.—For ſerving a writ of poſſeſſion of land, one dollar.—For ſerving and attending on any perſon, on a habeas corpus, per day, one dollar and fifty cents.—For calling every action in court, four cents—For impriſonment of felons, or debtors, or any other perſon, for each priſoner, per day, for finding one pound of wholeſome bread, one pound of good roaſted or boiled fleſh, and a ſufficient quantity of freſh water, and every other neceſſary attendance, keeping the priſon clean, nineteen cents

Sec. 4. *And be it enacted,* That the regiſter in each county in this territory ſhall and may take——For regiſtering each deed or grant, including certificate thereof, fifty cents—For every ſearch, eight cents—For a copy of a grant or deed, fifty cents.—And for regiſtering any other inſtrument of writing, fifty cents.

For each attorney, acting in behalf of the territory——For every bill found, five dollars.—On each ignoramus, two dollars and fifty cents.

Sec. 5. *And be it alſo enacted,* That the following officers ſhall be entitled to receive the following and no greater fees for the following ſervices *to wit*—To a juſtice of the peace.—For every warrant, ten cents. For every judgment, fifteen cents—For every execution, ten cents—For all ſubpœnas iſſued in any one ſuit, ten cents—For every appeal from their judgment, fifteen cents.—For every attachment and bail bond, ſixty ſix cents

To conſtables.—For every warrant executed, fifty cents.—For every ſubpœna, thirty cents—For every attachment, or execution, fifty cents.—Commiſſion on all ſales by execution or attachment, ſix per cent.—For attendance every court, when ſummoned by the ſheriff, one dollar per day—For whipping a negro by order of court, or by order of any juſtice of the peace, thirty three cents.

To the commiſſioner of affidavits.——For his ſervices in taking the teſtimony of each witneſs, together with encloſing and returning the ſame, fifty cents.

Sec. 6. *And be it enacted,* That the rangers in each and every county in this territory, may take and receive the following fees from the perſons taking up ſtrays, *to wit*—For each and every horſe, mare or gelding, including the certificate entered in his ſaid office, ſixty cents.—For each head of neat cattle, thirty cents—For each head of hogs or ſheep, twelve cents.

Sec. 7. *And be it enacted,* That the coroner may take and receive for his ſervices, the following fees: For attending on every inqueſt, five dollars; and the ſame fees for diſcharging the duties of a ſheriff, as ſuch ſheriff himſelf would be entitled to by this act, for performing the ſame ſervices.

Sec. 8. *And be it enacted,* That it ſhall and may be lawful for the clerks of the ſuperior and county courts, where ſuits are determined and the fees not paid by the party from whom they are due, to make out execution, directed to the ſheriff of the county where the party reſides; and the ſaid ſheriff ſhall levy the ſame, by virtue of the ſaid execution, as in other caſes. And to the ſaid execution ſhall be annexed a copy of the bill of coſts of the fees on which ſuch execution ſhall iſſue, wrote in words at length, without any abbreviation whatſoever; and all executions iſſuing without the copy of ſuch bill of coſts annexed, ſhall be deemed illegal, and no ſheriff ſhall ſerve or execute the ſame.

Sec. 9. *And be it enacted,* That if the clerk of any court, ſheriff, regiſter, coroner or other officer of any county, ſhall hereafter be guilty of a breach of the duties enjoined by this act, either by his own confeſſion, or verdict of a jury, it ſhall, on a ſecond conviction, be adjudged and deemed a miſbehaviour in office, for which ſuch clerk or other officer ſhall be removed from office.

Sec. 10. *And be it enacted,* That this act ſhall commence, be in force and take effect from and after the firſt day of December next, and no ſooner.

CHAP. III.

An ACT *aſcertaining what property in this Territory ſhall be deemed taxable property, and the method of collecting public taxes.*—(PASSED SEPTEMBER 30, 1794.)

Section 1. BE *it enacted by the Governor, Legiſlative Council, and Houſe of Repreſentatives of the Territory of the United States of America ſouth of river Ohio,* That all lands held by deed or entry, included within the lines of the treaty of Holſton, or by leaſe, or by right of dower, all free males and male ſervants, between the age of twenty one and fifty years, all ſlaves, male and female, between the age of ten and fifty years, all ſtud horſes, and all town lots within this territory ſhall be ſubject to the payment of public taxes; and the public taxes on ſuch property and perſons ſhall be aſſeſſed and proportioned in the manner directed by this act—that is to ſay, all lands ſhall be taxed by the hundred acres, and ſo in proportion, for a greater or leſſer quantity.

Sec. 2. *And be it enacted,* That the public tax on every hundred acres of land ſhall be twenty five cents; on all taxable white polls, twenty five cents; on each and every taxable negro poll, fifty cents; on every ſtud horſe, three years old and upwards, four dollars, and on each town lot, one dollar.

Sec. 3 *And be it enacted,* That the ſheriffs of each and every county ſhall, within forty days after the paſſing of this act, ſummon the ſeveral juſtices of the peace within his reſpective county, to attend at the court houſe, or uſual place of holding court, within ten days after the date of ſuch ſummons; and the ſaid juſtices, or any five of them ſo meeting, are hereby authoriſed and directed to appoint one juſtice of the peace for every captain's diſtrict for ſuch county, and where there ſhall be a town, one for ſuch town, to receive liſts of taxable property in ſuch diſtrict and town reſpectively. And the juſtices when ſo appointed, ſhall, without delay, fix the time and place in each diſtrict and town for receiving liſts of taxable property. And in order that all the inhabitants may be appriſed in due time that ſuch liſts are to be received, the juſtice of each diſtrict and town ſhall advertiſe the ſame at three of the moſt public places in his diſtrict, at leaſt fifteen days previous to the time of taking ſuch taxable property: *Provided always,* that if the court of any county ſhall ſit within forty days after the paſſing of this act, then the ſheriffs ſhall warn the juſtices to attend at ſuch court for the purpoſe aforeſaid; and the court ſhall appoint the juſtices for the ſeveral diſtricts or towns in their county.

Sec. 4. *And be it enacted,* That the inhabitants of the reſpective diſtricts in each county, ſhall attend at the time and place ſo to be appointed, and ſhall return, on oath, in writing, to the juſtice appointed to receive the ſame, the quantity of land, the particular tracts, the counties in which they lie, with the number of free males and ſervants, between the age of twenty one and fifty years, the number of ſlaves, male and female, between the age of ten and fifty years, which to him belonged, or who live in his family: And the oath to be adminiſtered by the juſtice receiving ſuch liſts, ſhall be as follows:—"You —— do ſwear, (or affirm, as the caſe may be) that the liſt by you delivered, contains a juſt and true account of all the property for which by law you are ſubject to pay taxes, to the beſt of your knowledge and belief. *So help you God.*"

Sec. 5. *And be it enacted*, That the juſtices who ſhall be appointed to receive the liſts of taxable property, ſhall make fair returns of their liſts reſpectively, to their reſpective county courts, next after ſuch liſts ſhall be received; and the juſtices in their returns ſhall (excluſive of the original liſts received by them) diſtinguiſh the perſons' names, the ſeveral tracts of land, the quantity and ſituation of each tract, and the number of taxable polls, white and black, in the following manner, *to wit*: perſons names—quantity in each tract—ſituation, or place where each tract lies—number of free polls—number of town lots—number of black polls—number of ſtud horſes—amount of each perſons taxable property.

Sec. 6 *And be it enacted*, That the clerk of each court ſhall record at large, in alphabetical order, the annual returns to be made by the juſtices in his county; and the court ſhall and may make a reaſonable allowance for ſuch ſervices, to be paid out of the county tax: And if any perſon appointed to receive liſts of taxable property ſhall fail or neglect to diſcharge the duty of his appointment, the perſon ſo failing or neglecting ſhall forfeit and pay the ſum of twenty five dollars, to be recovered in any court of record having cognizance thereof, in the name of the governor, to the uſe of the county And if any maſter or miſtreſs of a family, his or her agents, factors, managers or attornies, after due notice given as before directed, ſhall fail or neglect to attend and return inventories of his or her taxable property in manner before mentioned, each and every perſon ſo failing, ſhall forfeit and pay the ſum of one hundred and twenty five dollars, to be recovered and applied as in the caſe laſt mentioned; and the perſon ſo failing or neglecting ſhall pay a double tax; the number of polls belonging to the perſon neglecting as aforeſaid, to be reported by the juſtice to the beſt of his knowledge: And if any executor, adminiſtrator, guardian truſtee, agent or attorney, ſhall after due notice fail to return an inventory to the juſtice appointed to recieve the ſame, of the taxable property in his truſt or poſſeſſion, the property of the teſtator, inteſtate, minor or abſentee, ſhall be liable to a double tax, and the juſtice ſhall report the ſame to the beſt of his knowledge or information; and ſuch double tax, ſhall be levied of the proper eſtate of ſuch executor, adminiſtrator, guardian, truſtee, agent or attorney.

Sec 7 *And be it enacted*, That if any perſon reſiding out of this territory ſhall fail by himſelf, his agent or attorney, to return an inventory of his taxable property, the lands ſhall be liable to a double tax and fine aforeſaid, and the taxable polls (if any) ſhall be reported by the juſtice as aforeſaid, and the tax and fine ſhall be levied thereon in the uſual way: *Provided*, There be perſonal eſtate ſufficient to pay the ſame; but if there ſhall be no perſonal eſtate, or not ſufficient to pay the tax, and ſuch tax ſhall remain unpaid for twelve months after it becomes due, then the lands, or ſo much thereof as may be neceſſary to pay the tax and fine, with contingent charges, ſhall be ſold by the ſheriff, by order of the county court: and the ſheriff ſhall account for the ſame as in other caſes.

Sec. 8. *And be it enacted*, That the ſeveral juſtices appointed to receive liſts of taxable property ſhall make return of their own liſts to the county court, or to ſome other juſtice: And if any juſtice appointed to receive liſts of taxable property, ſhall die, refuſe to act or remove out of the county before the duty of his appointment ſhall be performed, any three juſtices of ſuch county may, and they are hereby authoriſed and directed to appoint another to act in the place of ſuch perſon ſo dying, refuſing to act or removing; and the perſon ſo appointed ſhall be on the ſame footing, in all reſpects, as if he had been originally appointed.

Sec 9. *And be it enacted*, That every perſon holding lands by title of dower, courteſy, or other eſtate for life, or on leaſe for five years or more, computing from the commencement of ſuch leaſe to the end of the term, ſhall return an inventory of ſuch eſtate, and pay the public taxes thereon, as in other caſes: *Provided always*, That any perſon incurring any of the penalties in this act mentioned, for omitting to return his liſt of taxable property, may apply to the county court to which the liſt ſhall be returned, or to the next ſucceeding court, and ſuch court, upon ſufficient reaſons ſhewn, may remit the penalties.

Sec. 10. *And be it enacted*, That at the firſt court in every county, to be held next after the firſt day of January, one thouſand ſeven hundred and ninety five, in every year after the preſent, ſuch court ſhall appoint a juſtice of the peace for each diſtrict in the county, to receive liſts of taxable property for the then preſent year; and the clerk of each county court ſhall furniſh each juſtice within twenty days after his appointment, with a fair alphabetical copy at large of the taxable property within his diſtrict the preceding year, under the penalty of twenty five dollars for each neglect, to be recovered by action of debt, in the governor's name, in any court having cognizance thereof, and to be applied to the uſe of the county.

Sec. 11. *And be it enacted*, That no perſon, being a juſtice of the peace, ſhall be a collector of public taxes.

CHAP. IV.

AN ACT *for the collecting, payment of, and accounting for the public taxes.* (PASSED, SEPTEMBER 29, 1794.)

Section 1. BE *it enacted by the Governor, Legiſlative Council and Houſe of Repreſentatives of the Territory of the United States of America, ſouth of the river Ohio*, That all taxes by this aſſembly impoſed, or hereafter to be impoſed on the citizens of this territory, ſhall be collected, paid and accounted for in the manner and form following:

The clerk of each county court within this territory, ſhall, on or before the firſt day of February in every ſucceeding year, furniſh the collector or ſheriff of each county with a liſt of the taxable property by them to be collected, agreeable to an act of the preſent ſeſſion, entitled, "*An act for aſcertaining what property in this territory ſhall be deemed taxable property, and the method of collecting the ſame;*" and the collector or sheriff ſhall appoint the day and place in each diſtrict of the ſaid county in the month of April when and where he will attend *Provided always.* That ſuch collector or ſheriff ſhall give ten days previous notice, to the inhabitants of ſuch diſtrict, by advertiſing it at leaſt at three of the moſt public places in the ſame, to the end that the inhabitants may be informed fully of the cauſe of ſuch meeting. And all perſons, ſo notified, and failing to attend, or not otherwiſe paying their taxes on or before the day appointed, it ſhall be the duty of the collector or ſheriff to levy the ſame by diſtreſs and ſale of the goods, chattels, lands, and tenements of every perſon ſo neglecting And for every diſtreſs and ſale ſo made, it ſhall be lawful for ſuch collector, as fees of office, to levy therewith the ſum of fifty cents. *Provided always.* That the ſaid collector give at leaſt ten days previous notice of ſuch ſale, where the objects of ſale are for periſhable eſtate; if therwiſe, forty days, by advertiſing at three of the moſt public places in and near the ſaid diſtrict.

Sec. 2. *And be it enacted,* That the collectors appointed by virtue of this act, ſhall receive, as commiſſions for collecting and paying the public taxes into the hands of the treaſurer of the diſtrict where ſuch collector ſhall reſide the ſum of ſix dollars for each hundred dollars, and in porportion for a leſſer or greater ſum; which commiſſions ſhall be deducted out of the monies by them collected. And the ſaid collectors ſhall, previous to their entering into office, give bond, with two ſuch ſecurities as the court ſhall approve of, for double the ſum by them to be collected, payable to the governor, on condition they do not pay and account with the treaſurer aforeſaid, for all taxes by them collected, or which ought to have been collected, on or before the firſt day of October in every ſucceeding year.

Sec. 3. *And be it enacted* That the clerk of each county court in this territory, ſhall enter of record the bonds given by ſaid collectors, and without delay tranſmit the ſame, together with the copy of the tax liſt of his county, to the treaſurer of the diſtrict, and alſo a like copy to the next meeting of the general aſſembly. And in caſe any of the aforementioned clerks or collectors ſhould fail to comply with their duties, as required by this act, for every ſuch offence they ſhall forfeit and pay a ſum not exceeding one hundred dollars, to be recovered before any juriſdiction having cognizance thereof, one half to the territory, the other half to any perſon ſuing for the ſame.

Sec. 4. *And be it enacted,* That previous to any of the aforeſaid collectors entering into office, they ſhall in open court, take and ſubſcribe the following oath, *to wit.* "I ſolemnly ſwear, that I will execute the office of collector for my diſtrict impartially and faithfully, to the beſt of my ſkill and ability. *So help me God.*"

Sec. 5. *And be it enacted,* That if any collector, ſheriff, or other perſon, holding public monies, ſhall preſume to demand or accept any fee, gift, gratuity, or diſcount, for paying or taking up any warrant or draft, chargeable upon the taxes, every ſuch offender, upon due conviction in any court of record, ſhall forfeit and pay to the territory, a ſum equal to the amount of the draft ſo taken up; and ſhall moreover forfeit his whole commiſſions upon his collection, and be rendered thereafter incapable of holding or exerciſing any office of truſt, honor, or profit in this territory.

Sec. 6. *And be it enacted,* That if any ſheriff or ſheriffs of any counly within the Territory, ſhall neglect or refuſe to ſettle his or their accounts on or within the time limitted by this act, and in manner hereby directed, then it ſhall and may be lawful for the treaſurer of the Territory to enter up judgment in the name of the governor, on the ſame, for the amount of the tax due from ſuch ſheriff or ſheriffs and their ſecurities, in any court of record within this Territory, which is hereby declared to be good and valid in law; and execution may iſſue thereon, directed to the ſucceeding ſheriff, or to the coroner of the county wherein the delinquent ſheriff reſides, as if the ſheriff and ſecurities had been proſecuted to judgment by the uſual proceſs of the ſaid court, any law, uſage, or cuſtom to the contrary notwithſtanding. And the ſheriff ſo delinquent, is hereby declared to have forfeited all commiſſions by this act allowed on his collection of public taxes; and the like remedy is hereby given and declared to each and every ſheriff againſt all delinquent collectors within their reſpective counties

Sec 7 *And be it enacted*, That if the ſheriff of any county within this Territory ſhall die ſhortly before, or during the time appointed for the collection of public taxes, ſo that the governor could not have appointed a ſucceſſor in office before the time for collecting the taxes, in ſuch caſe it may and ſhall be lawful for their ſecurities to receive the ſame from the collectors; in which buſineſs they are hereby declared to have all the powers, authorities, privileges and emoluments, in and for the receipt and collection of public taxes, which the ſheriff deceaſed poſſeſſed and enjoyed.

Sec 8. *And be it enacted*, That if it ſhall appear that the public treaſurer hath failed at any time to pay the public monies in his hands, on grants of the general aſſembly, or monies brought into the treaſury on ſpecial taxes, to thoſe authoriſed to apply for and receive the ſame; or hath neglected, in any inſtance, to call to account, as by this act is directed, any delinquents therein deſcribed by which the public revenue of this Territory may ſuffer loſs, then, and in ſuch caſe, the ſaid treaſurer ſhall be held and deemed accountable for ſums due by ſuch delinquents to all intents and purpoſes, as if the ſame had actually been paid into his office.

Sec 9. *And be it enacted*, That the county ſheriffs, or the public treaſurer ſhall not diſcharge any grant of aſſembly hereafter to be iſſued, unleſs in the ſaid grant it ſhall particularly expreſs the cauſe and ſervice for which the ſame iſſued.

CHAP. V.

AN ACT *to authoriſe executors, adminiſtrators, and ſheriffs to make conveyances*—(PASSED SEPTEMBER —, 1794)

Section 1. BE *it enacted by the Governor, Legiſlative Council, and Houſe of Repreſentatives of the Territory of the United States of America ſouth of the river Ohio*, That it ſhall be lawful for the executors or adminiſtrators of any perſon or perſons deceaſed, to make titles to any tract or parcel of land, in this Territory, which the perſon or perſons deceaſed were bound to make, by his, her or their obligation, in as full and ample a manner as the decedant or decedants could have done in his, her, or their life time. But the executor or adminiſtrator as the caſe may be, ſhall not be bound to make ſuch title or deed, until the bond or obligation of the deceaſed ſhall have been recorded in the county where the land lies, and a copy produced to him or them duly authenticated. Nor ſhall holders of obligations charge the perſonal eſtate of ſuch decedant or decedants, until they ſhall have produced the obligation duly authenticated: and demand made, and refuſal or failure to comply therewith on the part of ſuch repreſentative or repreſentatives.

Sec 2 And whereas it may ſo happen that ſuch deceaſed perſon may have contracted with ſuch perſon or perſons as have or may become his or their executor or adminiſtrator, for lands to which he may have failed to make a title, *Be it enacted* That then, and in that caſe, the county court where ſuch will has been proved, or adminiſtration had, may appoint a guardian or guardians, who ſhall make ſuch executor or adminiſtrator a deed or deeds for ſaid land, according to the true intent and meaning of the contract of ſuch deceaſed perſon.

Sec. 3. *And be it enacted,* That where there ſhall be more than one executor or adminiſtrator, then, and in that caſe, a deed made by the acting executor or executors, adminiſtrator or adminiſtrators, ſhall be as good and valid in law, as if it were executed by all the executors or adminiſtrators. And in caſe of tenancy in common, the executor or executors, adminiſtrator or adminiſtrators of a joint obligor, together with the ſurviving obligor or obligors, ſhall be competent to make a title, obſerving the directions of this act.

Sec. 4. *And be it enacted,* That in all caſes of obligations given by deceaſed perſons, for a part of any tract of land, not aſcertained by metes and bounds, it ſhall be lawful for the county court in which the land may be ſituate, upon petition in writing of the holder of ſuch obligation, or the repreſentative or repreſentatives of the obligees, and upon exhibiting ſuch obligation, authenticated as aforeſaid, (and to be made a record of ſuch court) to appoint three diſintereſted freeholders of the county, who, together with the county ſurveyor, or ſuch ſurveyor as the court may appoint, ſhall be authoriſed and directed to divide the tract referred to in ſuch obligation, and lay it off as nearly agreeable to the intention of the contract as poſſible; which ſaid freeholders and ſurveyor ſhall, under their hands and ſeals, return a true and correct plat of the land, for which the bond was given, to the next enſuing county court, to be filed of record, with the other papers by the clerk; and upon exhibiting a copy of ſuch petition, plat, bond, &c. duly certified by the clerk of ſuch court, to the repreſentative or repreſentatives, he, ſhe, or they ſhall be bound to make a title. *Provided always,* That ten days previous notice of the ſurvey be given by the ſheriff to the oppoſite parties; and that the attending ſurveyor adminiſter to the freeholders, appointed as aforeſaid, the following oath, *to wit*: "I, *A. B.* do ſwear, that I will well and truly lay off and aſcertain the boundaries of the land due from the eſtate of *C. D.* to *E. F.* by his obligation (or contract as the caſe may be) as referred to me by the order of court, under which I now act.

Sec 5. *And be it enacted,* That in caſes where deceaſed perſons have made entries, or hold warrants for lands lying within this territory, and died without making ſurveys; and the executors or adminiſtrators have employed perſons to ſuperintend the ſurveying ſuch lands, and have by contract obliged themſelves to convey a part of the ſame, it ſhall be lawful for ſuch executors or adminiſtrators to make a title, purſuant to ſuch contract, which ſhall be as good and valid as if it had been done by the deceaſed.

Sec. 6. *And be it enacted,* That the ſurveyor and freeholders mentioned in this act, ſhall be allowed the ſame fees with ſurveyors and jurors of view, in caſes of diſputed claims to land The clerk for recording the proceedings, fifty cents; for copy thereof, fifty cents; for recording power of attorney or bond, fifty cents; for copy thereof, fifty cents; which ſaid coſts ſhall be paid by the repreſentative or repreſentatives, in caſe of a previous legal demand and refuſal, or wilful failure; otherwiſe by the obligee, or holder of the obligation, agreeable to the order of court for that purpoſe. And the clerk is by this act authoriſed to iſſue execution for the ſame.

Sec. 7. *And be it further enacted,* That in all caſes, where judgment and execution are obtained againſt the eſtate of any perſon or perſons whatever, where the real eſtate of the debtor may be charged, it ſhall and may be lawful for the ſheriff to levy execution on any entry or entries, location or locations, held by the debtor or debtors, and ſell the ſame in the ſame manner as lands held by deed or grant. And on ſuch ſales made, purſuant to this act, the mode of conveyance ſhall be by aſſignment of the warrant or warrants, and by transferring the entries and locations by the ſheriff of the county where ſuch lands are ſituated.

CHAP. VI.

An ACT *to repeal ſo much of the act, entitled, An act requiring perſons holding monies ariſing from fines and forfeitures impoſed for the puniſhment of public offenders, taxes on proceedings in law and equity, on the probate of deeds, on the regiſtering grants for land, and the iſſuing marriage and ordinary licences, as directed by the laws of North Carolina, to account for, and pay the ſame as lays a tax on marriage licences.*

PASSED, SEPTEMBER 27, 1794.

BE *it enacted by the Governor, Legiſlative Council and Houſe of Repreſentatives of the Territory of the United States of America ſouth of the river Ohio,* That the tax on marriage licences ſhall in future ceaſe to be collected: But the tax on the other articles mentioned in the ſaid act ſhall continue to be collected as heretofore. And all original grants ſhall pay tax on regiſtration without exception.

CHAP. VII

An ACT *to repeal an act of the Governor and Judges, paſſed November the twentieth, one thouſand ſeven hundred and ninety two; entitled, "An act authoriſing the courts of the ſeveral counties to levy a tax for repairing or building of court houſes, priſons and ſtocks in the ſaid counties reſpectively, and to pay the jurors to the ſuperior courts and defraying the contingent charges of the ſaid counties."* (PASSED, SEPT. —, 1794.)

BE *it enacted by the Governor, Legiſlative Council and Houſe of Repreſentatives of the Territory of the United States of America ſouth of the river Ohio,* That the act paſſed by the governor and judges, on the twentieth of November, one thouſand ſeven hundred and ninety two, entitled, "An act authoriſing the courts of the ſeveral counties to levy a tax for repairing or building of court houſes, priſons and ſtocks in the ſaid counties reſpectively, and to pay the jurors to the ſuperior courts, and defraying the contingent charges of the ſaid counties," be, and the ſame is hereby repealed *Provided* That all taxes levied by any court of any county under this act, ſhall be collected, accounted for, and applied in the ſame manner as if this repealing act had never been paſſed.

C H A P. VIII.

AN ACT *to alter the times of holding the ſuperior courts of law and equity for the diſtricts of Waſhington, Hamilton and Mero and the courts of pleas and quarter ſeſſions in the ſeveral counties compoſing ſaid diſtricts of Waſhington and Hamilton; and the court of pleas and quarter ſeſſions of the county of Tenneſſee; and extending the number of days of each term of the ſuperior courts of law and equity* PASSED, SEPTEMBER 10, 1794.)

Section 1. BE *it enacted by the Governor Legiſlative Council and House of Repreſentatives of the Territory of the United States of America south of the river Ohio.* That the ſuperior courts of law and equity for the diſtrict of Waſhington ſhall commence on the third Tueſdays in September and March. For the diſtrict of Hamilton on the ſecond Tueſdays in October and April And for the diſtrict of Mero on the ſecond Mondays in May and November in each and every year.

Sec. 2. *And be it enacted* That the term of each ſuperior court of law and equity in this Territory, may be continued for any number of juridical days not exceeding fifteen.

Sec. 3. *And be it enacted* That the courts of pleas and quarter ſeſſions ſhall commence in and for the county of Knox, on the laſt Mondays in January, April, July, and October. In and for the county of Jefferſon, on the firſt Mondays in February, May, Auguſt and November. In and fo the county of Greene, on the ſecond Mondays in the ſame months. In and for the county of Waſhington, on the third Mondays in the ſame months In and for the county of Sullivan, on the fourth Mondays in the ſame months. In and for the county of Hawkins on the firſt Mondays in March, June, September and December. In and for the county of Tenneſſee, on the fourth Mondays in January, April, July, and October in each and every year.

Sec. 4 *And be it enacted*, That all actions, ſuits, writs plaints, recognizances, indictments, and preſentments whatſoever, upon the dockets of the ſaid courts reſpectively, ſhall be proceeded upon by the reſpective courts, held as directed by this act, in the ſame manner as if no alteration of time had taken place, any law, uſage, or cuſtom to the contrary notwithſtanding.

C H A P. IX.

AN ACT *eſtabliſhing a Treaſury Department.* (PASSED. SEPT. —, 1794.)

Section 1. BE *it enacted by the Governor, Legiſlative Council, and Houſe of Repreſentatives of the Territory of the United States of America ſouth of river Ohio*, That there ſhall be two treaſurers; one for the diſtricts of Waſhington and Hamilton, who ſhall keep his office at Knoxville; and one for the diſtrict of Mero, who ſhall keep his office at Naſhville, to be appointed by the governor, to whom the ordinance of Congreſs of the thirteenth of July, one thouſand ſeven hundred and eighty ſeven, entitled, " An ordinance for the government of the Territory of the United States north-weſt of the river Ohio," has veſted the power of making all appointments, both civil and military, except judges and general officers, during the exiſtence of the temporary government.

Sec. 2. *And be it enacted*, That it ſhall be the duty of the treaſurer for the diſtricts of Waſhington and Hamilton to receive the monies of the Territory within the ſaid diſtricts of Waſhington and Hamilton, and to diſburſe the ſame, agreeable to the laws or reſolves of the general aſſembly, to keep regular and correct accounts of all the monies he receives or pays away, and to cauſe the ſame to be laid before the general aſſembly, at each and every ſeſſion, within ſix days after the commencement thereof.—And it ſhall be the duty of the treaſurer of Mero to receive the monies of the Territory within the ſaid diſtrict of Mero, and to diſburſe the ſame agreeably to the laws and reſolves of the general aſſembly, and in like manner to keep regular and correct accounts of all the monies he receives and pays away, and cauſe the ſame to be laid before the general aſſembly, at each and every ſeſſion, within ſix days after the commencement thereof. It ſhall alſo be the duty of the ſaid treaſurers to keep regular accounts with all holders and collectors of monies for the uſe of the Territory, agreeable to any acts or reſolves of the general aſſembly of the Territory, and to exhibit the ſame at every general aſſembly as before directed, within ſix days after the commencement thereof and to perform ſuch other duties as ſhall be directed by law.

Sec 3. *And be it enacted*, That the treaſurer for the diſtricts of Waſhington and Hamilton, ſhall, previous to the entering on the duties of his office, enter into bond and ſecurity, payable to the governor for the time being, for the uſe of the Territory, in the penal ſum of twenty thouſand dollars; which bond ſhall be lodged with Daniel Smith, eſq. ſecretary of the Territory, for the faithful diſcharge of the duties of his office—And in like manner ſhall the treaſurer of the diſtrict of Mero give ſecurity for the faithful diſcharge of the duties of his office, in the penal ſum of twenty thouſand dollars.

Sec 4. *And be it enacted*, That the ſalaries of each of the treaſurers to be appointed according to the intent of this act, ſhall be paid them by an allowance of five per cent. on all monies received and diſburſed as is herein above directed, to be allowed them in the annual ſettlement of their accounts.

Sec. 5. *And be it enacted*, That books and other ſtationary ſhall be furniſhed by the ſaid treaſurers at the coſts of the Territory, for which they ſhall be allowed in the ſettlement of their accounts.

Sec. 6. *And be it enacted*, That the treaſurers are hereby ordered and directed to commence ſuit, in the name of the Territory, againſt any holders or collectors of public monies as aforeſaid, who ſhall fail to account with, and pay to the treaſurer of his diſtrict ſuch monies, according to the intent and meaning of this act.

CHAP. X.

AN ACT *for empowering the ſeveral county courts within this Territory to lay a tax annually for the purpoſe of erecting or repairing the court houſe, priſon and ſtocks in each county, and for defraying the contingent charges thereof* (PASSED SEPTEMBER —, 1794)

Section 1 BE *it enacted by the Governor, Legiſlative Council and Houſe of Repreſentatives of the Territory of the United States of America ſouth of the river Ohio*, That the ſeveral county courts within this territory are hereby authoriſed and empowered, from and after the paſſing of this act, to lay a tax annually, not exceeding the ſum of twelve and an half cents on each and every hundred acres of land; and a poll tax not exceeding the ſum of twenty five cents on each and every taxable ſlave; and a poll tax not exceeding twelve and an half cents on each and every white poll, for the purpoſe of erecting, finiſhing or repairing ſuch court houſe, priſon and ſtocks, in any county in this territory, when the ſame may be found by the ſaid court to be abſolutely neceſſary, and for the purpoſe of defraying the contingent charges; which ſaid taxes ſhall be collected and accounted for in the ſame manner, at the ſame time and by the ſame perſons who are appointed to collect the public taxes in each county, to be paid into the hands of ſuch perſon or perſons as the ſeveral county courts ſhall from time to time hereafter direct. *Provided*, That two thirds of the acting juſtices of any county wherein any tax ſhall be levied in virtue hereof, ſhall be preſent at the time of laying the ſame.

CHAP. XI.

AN ACT *to divide the county of Jefferſon into two diſtinct counties.*

(PASSED, SEPTEMBER 27, 1794.)

WHEREAS the inhabitants of Jefferſon county, who live on the ſouth ſide of French Broad river labour under difficulties in attending at courts and muſters, in having the river to croſs and other inconveniencies attending the preſent extenſive boundaries of ſaid county:

Section 1 BE *it enacted by the Governor Legiſlative Council, and Houſe of Repreſentatives of the Territory of the United States of America ſouth of the river Ohio* That the county of Jefferſon be divided by a line as follows, to wit. Beginning on the eaſtern boundary of this Territory; from thence a direct line to the ridge that divides the waters of Little Pigeon from the waters of Big Pigeon river; thence along the ſame to the head of Muddy creek; thence a direct line to the lower end of an iſland in French Broad river formerly known by the name of Hubbert's iſland; thence a direct line to the mouth of Creſwell's mill creek; thence with the Knox county line to the top of Bay's mountain; thence along the ſaid mountain to where French Broad river runs through the ſame; thence along the ſaid mountain, and with the extreme height thereof to the place where the dividing ridge that divides the waters of French Broad from thoſe of Little River interſects the ſame; thence with ſaid ridge to the Pigeon mountain; thence along ſaid mountain to the Indian boundary, and with the ſame to the Eaſtern boundary of the Territory; thence to be beginning. And all that part contained in the ſaid boundaries, ſhall thenceforth be erected into a new and diſtinct county, by the name of SEVIER.

Sec. 2. *And be it enacted,* That Joſeph Wilſon, Robert Polk, Samuel Magahee, Samuel Newell, and Thomas Buckenham are hereby appointed commiſſioners; and authoriſed to lay off and appoint a place the moſt centrical and convenient in ſaid county, for the purpoſes of erecting a court houſe, priſon, and ſtocks.

Sec. 3. And for the due adminiſtration of juſtice in ſaid county, *Be it enacted,* That the court for the ſaid county of Sevier ſhall be held conſtantly by the juſtices of ſaid county on the laſt Mondays in January, April, July, and October in every year; and the juſtices for the ſaid county of Sevier are hereby authoriſed and empowered to hold the firſt court for the ſame at the houſe of Iſaac Thomas; and all ſubſequent courts for ſaid county, on the days above mentioned for holding courts therein, at any place to which the ſaid juſtices ſhall from court to court adjourn themſelves, until a court houſe ſhall be built for the ſaid county of Sevier; and then all cauſes, matters, and things depending in the ſaid court, and all manner of proceſs returnable to the ſame, ſhall be adjourned to ſuch court houſe; and all courts held in and for ſaid county of Sevier, ſhall be held by commiſſion to the ſaid juſtices in the ſame manner, and under the ſame rules and reſtrictions, and ſhall have and exerciſe the ſame powers and juriſdiction as are or ſhall be preſcribed for other courts held for the ſeveral counties in this territory.

CHAP. XII.

AN ACT declaring the county of SEVIER a part of the diſtrict of HAMILTON, and apportioning the JURORS to the ſeveral counties compoſing the ſaid diſtrict. (PASSED SEPTEMBER 30 1794.)

BE *it enacted by the Governor, Legiſlative Council and Houſe of Repreſentatives of the Territory of the United States of America ſouth of the river Ohio*, That the county of Sevier ſhall compoſe a part of the diſtrict of Hamilton, in the ſame manner, and for all purpoſes civil and military, as it did when undivided from the counties of Jefferſon and Knox. And the ſaid counties forming the ſaid diſtrict of Hamilton, from and after the next term of the ſuperior court of law and equity, ſhall furniſh jurors as follows: Knox fourteen; Jefferſon eleven; Sevier eleven; for the ſuperior court of the ſaid diſtrict.

CHAP. XIII.

AN ACT for eſtabliſhing KNOXVILLE, on the north bank of *Holſton*, and immediately below the ſecond creek that runs into *Holſton* on the north ſide, below the mouth of *French Broad* river, and for appointing commiſſioners for the regulation thereof. (PASSED SEPTEMBER —, 1794.)

WHEREAS in the year one thouſand ſeven hundred and ninety-one, it was found expedient to eſtebliſh a town on the north bank of Holſton, immediately below the ſecond creek that runs into the north ſide of the ſame, below the mouth of French Broad, Governor Blount having determined to fix the ſeat of government on the ſaid ſpot: And whereas a town was accordingly laid out by James White, at the above deſcribed place, and called *Knoxville*, in honor of Major General *Henry Knox*, conſiſting of the neceſſary ſtreets and ſixty four lots, numbered from one to ſixty four, as will more fully appear, reference being had to the plat of the ſaid town.

Section 1. BE *it enacted by the Governor, Legiſlative Council and Houſe of Repreſentatives of the Territory of the United States of America ſouth of the river Ohio*, That a town be eſtabliſhed on the above deſcribed ſpot of ground, which ſhall continue to be known, as heretofore, by the name of *Knoxville*, in honor to Major General *Henry Knox*, conſiſting of the neceſſary ſtreets and ſixty four lots, from number one to ſixty four, agreeable to the plan of the ſaid town, made in the year one thouſand ſeven hundred and ninety one.

Sec. 2. *And be it enacted*, That Colonel James King, John Chiſolm and Joſeph Greer, Eſquires, George Roulſtone and Samuel Cowan, be, and hereby are appointed commiſſioners of the ſaid town, with power to regulate the ſame, and if neceſſary, with the conſent of the proprietor to enlarge it.

Sec. 3. *And be it enacted* That a correct plan of the ſaid town, as originally laid off in the year one thouſand ſeven hundred and ninety-one, be made by the ſaid commiſſioners, and lodged in the office of the regiſter of the county of Knox, for the benefit of all perſons concerned, with their names as commiſſioners, ſubſcribed thereto. And that it be the duty of the ſaid commiſſioners to deſignate the firſt and ſecond corners, by the fixture of a ſtone or ſtones, at each corner, at leaſt eighteen inches in the ground, and ſix above, and to uſe good care that the ſame be not removed or defaced.

CHAP. XIV.

AN ACT to empower the juſtices of HAWKINS county to lay a tax for the purpoſe of erecting a court houſe, priſon and ſtocks in the ſaid county. (PASSED SEPTEMBER 27, 1794.)

SECTION 1. BE *it enacted by the Governor Legiſlative Council and Houſe of Repreſentatives of the Territory of the United States of America ſouth of the river Ohio* That the juſtices of the peace for the county of Hawkins, or a majority of them be, and they are hereby empowered to levy a tax for the building a court houſe, priſon and ſtocks in Rogerſville, not exceeding forty cents on each poll, and not exceeding twenty cents on each hundred acres of land, in any one year.

Sec. 2. *And be it enacted* That the ſaid juſtices have full power and authority to appoint three or more commiſſioners for the purpoſe of letting ſaid court houſe, priſon and ſtocks to be built, and ſuperintending the ſame, under ſuch reſtrictions as the ſaid juſtices may think proper.

Sec. 3. *And be it enacted*, That the ſheriff of ſaid county ſhall have power to collect the taxes herein levied, for the purpoſes aforeſaid, and account with the juſtices of ſaid county for the ſame.

CHAP. XV.

AN ACT appointing COMMISSIONERS in the diſtrict of WASHINGTON, for the purpoſe of erecting a court houſe, priſon, and ſtocks in the county of WASHINGTON for the uſe of ſaid diſtrict, and for levying a tax to complete the ſame; alſo for the regulation of the town of JONESBOROUGH. (PASSED SEPT 27, 1794.)

Section 1. *BE it enacted by the Governor, Legiſlative Council and Houſe of Repreſentatives of the Territory of the United States of America ſouth of the river Ohio*: That David Deaderick, James Stuart, Samuel May, ſenior, John Johnſton, John Sevier, junior, Leeroy Taylor, Chriſtopher Taylor, John Sevier, ſenior, William I Lovely, and James Carmichael, be, and are hereby appointed commiſſioners for the purpoſe aforeſaid; and they, or a majority of them, be, and are hereby appointed and required, as ſoon as may be after the paſſing of this act, to agree and contract with workmen, for erecting and building in the town of Joneſborough, a court houſe, priſon, and ſtocks; and when the ſame is ſo built and finiſhed, it ſhall be and remain to the uſe of the diſtrict of Waſhington.

Sec. 2. And to enable the commiſſioners to carry this act into effect, *Be it enacted*, That a tax of twenty five cents on each hundred acres of land, and a tax of twenty-five cents on each ſlave, between the years of ten and fifty, and twenty five cents on all white males between the years of twenty one and fifty, ſhall be collected in the county of Waſhington for two years, by the reſpective ſheriffs or collectors of ſaid county, and accounted for and paid to the ſaid commiſſioners, at the ſame time, and in the ſame manner, and under the like penalties and reſtrictions, as is or may be directed for collecting, accounting for, and paying other public taxes.

Sec. 3. *And be it enacted*, That before the ſaid commiſſioners ſhall enter upon their truſts, or take into their hands any of the monies directed to be collected by this act they ſhall enter into bond, in the ſum of four thouſand dollars, payable to the governor and commander in chief of the territory for the time being, and his ſucceſſor, conditioned for the faithful diſcharge of the truſt repoſed in them.

Sec. 4. And whereas it would tend to the advantage of the inhabitants of Waſhington, and thoſe of the diſtrict of Waſhington generally, to have the ſaid town of Joneſborough well regulated and kept in good repair and order at all times, *It is hereby enacted*, That the aforeſaid commiſſioners ſhall and may take upon them the management and regulation of the town aforeſaid, having regard to the manner and form the ſame hath heretofore been laid out by any former commiſſioners by law appointed for that purpoſe. And the ſaid commiſſioners ſhall have further authority to lay off, into one acre lots, any of the ſaid lands belonging to the town aforeſaid, which have not yet been ſold or appropriated, to be laid out with convenient ſtreets, lanes, and allies.

Sec 5 *And be it enacted*, That from and after the paſſing of this act, the commiſſioners above named ſhall be and they and every of them are hereby conſtituted directors and truſtees for the deſigning and improving the ſaid town; and they ſhall ſtand ſeized of an indefeaſible eſtate of the land heretofore laid out for the uſe and purpoſes of the ſaid town, to and for the uſes, intents, and purpoſes hereby expreſſed and declared. And they, or a majority of them, ſhall have full power and authority to meet as often as they ſhall think neceſſary, and cauſe a plan thereof to be made, and therein to inſert a mark or number of each lot; and as ſoon as the ſaid lots ſhall be laid off as aforeſaid, they and each of them ſhall have power to take ſubſcriptions for the ſaid lots of ſuch perſons as are willing to ſubſcribe for the ſame. And when the ſaid directors have taken ſubſcriptions for the ſaid lots to be ſold, they ſhall appoint a day, and give public notice to the ſubſcribers of the day and place appointed for the drawing of ſaid lots, which ſhall be done by ballot, in a fair and open manner, under the directions, and in preſence of ſaid directors, or a majority of them; and ſuch ſubſcriber ſhall be entitled to ſuch lot or lots which ſhall be drawn for him, and correſpond with the mark or number contained in the plan of ſaid town.— And the ſaid directors, or a majority of them, ſhall make and execute deeds for granting and conveying the ſaid land in lots as aforeſaid, to the ſubſcribers, their heirs and aſſigns forever; and alſo to every other perſon who have purchaſed, or ſhall purchaſe, any lot or lots in the ſaid town; and every perſon or perſons, claiming any lot or lots, by virtue of ſuch conveyance, ſhall and may hold and enjoy the ſame in fee ſimple. Provided nevertheleſs, that every grantee of ſuch lot or lots in the ſaid town ſo conveyed, ſhall, within three years next after ſuch conveyance for the ſame erect, build, and finiſh on each lot ſo conveyed, one well framed, ſquare logged, or brick, or ſtone houſe, ſixteen feet ſquare at leaſt and eight feet pitch in the clear, or proportionable to ſuch dimenſions; and if the owner or owners of any lot or lots ſhall fail to comply with the directions in this act preſcribed for building and finiſhing a houſe thereon, ſuch lot or lots, upon which ſuch houſe ſhall not be built and finiſhed as aforeſaid ſhall be reveſted in the ſaid directors; and the ſaid directors, or a majority of them, may and they are hereby empowered and authoriſed to ſell ſuch lot or lots for the beſt price that can be had, to any perſon applying for the ſame, and grant and convey ſuch lot or lots to ſuch perſon or perſons, under the like rules and regulations as the ſame was or were formerly granted; and the money ariſing from ſuch ſale and the ſale of all other lots, as by this act directed, ſhall be applied by ſuch directors, or a majority of them, for the benefit and uſe of the public buildings, and regulation of the town of Joneſborough aforeſaid.

CHAP. XVI.

AN ACT appointing COMMISSIONERS to run the dividing line between the counties of *Hawkins* and *Sullivan*, from the mouth of the *North Fork* of *Holſton* to *Bay's Mountain*; and between *Hawkins* and *Knox* counties, from the mouth of *Panther Creek* to the river *Clinch*.

Section 1. BE *it enacted by the Governor Legiſlative Council and Houſe of Repreſentatives of the Territory of the United States of America ſouth of the river Ohio* That Joſeph M'Min, of Hawkins county, and George Rutledge, of Sullivan county be appointed commiſſioners to run and mark the line between the ſaid counties of Hawkins and Sullivan, from the mouth of the North Fork of Holſton river, to the top of Bay's mountain; for which ſervices they ſhall be allowed each two dollars per day, and the markers each one dollar per day; the expence to be equally divided between the ſaid counties of Hawkins and Sullivan.

Sec. 2. *And be it enacted*, That John Payne be appointed a commiſſioner, who with Charles M'Clung, is authoriſed to run the dividing line between Hawkins and Knox counties, from the mouth of Panther Creek to the river Clinch; for which ſervice the ſaid John Payne and Charles M'Clung ſhall each be allowed two dollars per day; and the markers each one dollar per day; the expence to be equally paid by the ſaid counties of Hawkins and Knox.

CHAP. XVII.

AN ACT *for appointing a public printer and directing his duty in office.*

(PASSED SEPTEMBER —, 1794.)

WHEREAS it is neceſſary that the acts and journals of the legiſlature be printed and publiſhed as ſoon as poſſible:

Section 1. BE *it enacted by the Governor, Legiſlative Council and Houſe of Repreſentatives of the Territory of the United States of America ſouth of the river Ohio* That George Roulſtone be, and he is hereby appointed public printer for and during the term of fifteen months, to commence at the end of the preſent ſeſſion of aſſembly.

Sec. 2. *And be it enacted*, That the ſaid George Roulſtone ſhall, within ſix months, from the receipt of the original bills at his office, print and tranſmit one fair copy of the acts and journals of each and every ſeſſion of aſſembly to his excellency the governor, and one fair copy of the ſaid acts and journals for each of the members of the general aſſembly, and alſo one fair copy for the clerks of each houſe of the aſſembly, one fair copy of the acts of each ſeſſion for the ſecretary, one for each of the judges of the ſuperior courts, one for the attorney general of each diſtrict, one for each of the clerks of the ſuperior and county courts, and one for each of the juſtices in the reſpective counties in this territory.

Sec. 3. *And be it enacted*, That if the ſaid ſuperior court clerks, or any of them, ſhall refuſe to receive, when rendered to them, or neglect to deliver out ſaid laws, when demanded at their office by order from the clerks of the county courts, he or they ſo offending, ſhall forfeit and pay the ſum of one hundred and twenty five dollars, to be recovered by action of debt in any court of record having cognizance thereof, by any perſon who may ſue for the ſame.

Sec. 4. *And be it enacted*, That the ſaid printer ſhall, as ſoon as may be, after the expiration of ſix months from the receipt of the original bills at his office, tranſmit to the delegate of this territory in Congreſs, one fair copy of the ſaid acts and journals.

Sec. 5. *And be it enacted*, That the ſaid George Roulſtone, for and in conſideration of ſuch ſervices, ſhall be allowed the ſum of ſix hundred dollars and no more.

Sec. 6 *And be it enacted*, That if the ſaid George Roulſtone ſhall refuſe or neglect to print the laws and journals as by this act directed, then and in ſuch caſe his excellency the governor ſhall and may employ another printer to perform the ſaid ſervices; and ſuch printer ſhall, on ſo doing, be entitled to the allowance provided by this act.

Sec 7. *And be it enacted*, That the ſaid George Roulſtone, as often as is neceſſary, do, on the requiſition of the governor, print all proclamations and other public acts of government, in conſideration of the above allowance.

CHAP. XVIII.

AN ACT for the eſtabliſhment of BLOUNT COLLEGE in the vicinity of KNOXVILLE. (PASSED SEPTEMBER —, 1794.)

WHEREAS the legiſlature of this territory are diſpoſed to promote the happineſs of the people at large, and eſpecially of the riſing generation, by inſtituting ſeminaries of education, where youth may be habituated to an amiable, moral and virtuous conduct, and accurately inſtructed in the various branches of uſeful ſcience, and in the principles of the ancient and modern languages:

Section 1. BE *it enacted by the Governor, Legiſlative Council, and Houſe of Repreſentatives of the Territory of the United States of America ſouth of the river Ohio*, That the Reverend Samuel Carrick, Preſident, and his Excellency William Blount, the Honorable Daniel Smith, Secretary of the Territory, the Honorable David Campbell, the Honorable Joſeph Anderſon, General John Sevier, Colonel James White, Colonel Alexander Kelly, Colonel William Cocke, Willie Blount, Joſeph Hamilton, Archibald Roane, Francis A. Ramſey, Charles M'Clung, George Roulſtone, George M'Nutt, John Adair, and Robert Houſton, Eſquires, ſhall be, and they are hereby declared to be a body politic and corporate, by the name of the Preſident and Truſtees of Blount College, in the vicinity of Knoxville, and ſhall have perpetual ſucceſſion and a common ſeal; and that they and their ſucceſſors, or the preſident and any four or more of them, by the name aforeſaid, ſhall have, and they are hereby inveſted with all legal powers and capacities to buy, receive, poſſeſs, hold, alien, and diſpoſe of any property for the uſe and benefit of the college; and may ſue and be ſued, commence and proſecute any legal proceſs or proceſſes, and have the ſame inſtituted againſt them in any court of record in this territory, in the moſt ample manner.

Sec. 2. *And be it enacted*, That the preſident of the college, with any four or more of the truſtees who may be preſent, ſhall be a board of truſtees adequate to the tranſaction of buſineſs; and in the abſence of the preſident any five or more of the truſtees being met upon their own adjournment, ſhall chuſe a vice preſident, who ſhall act during the abſence of the preſident; and that the preſident and each of the truſtees before their entrance upon the actual execution of their office, or their being known as ſuch in law, ſhall appear before ſome juſtice of the peace for the county of Knox, and ſhall take an oath faithfully to execute their reſpective offices, which ſhall be entered on the records of the college; and that the preſident, or any of the truſtees, ſhall have a right at any time to reſign his office, by ſignifying ſuch reſignation in writing to the board of truſtees: and that the board of truſtees ſhall have power to remove from office the preſident or any of the truſtees, when they may think proper, and fill up any vacancies which may happen in the board, through the death, reſignation, or removal of members, by electing others in their room.

Sec. 3. *And be it enacted*, That the board of truſtees ſhall have full power to appoint a ſecretary, treaſurer, profeſſors, tutors, and all neceſſary officers for conducting the civil and literary concerns of the college, and to diſplace and ſuperſede them at pleaſure. They ſhall have power to meet upon their own adjournments, or upon a citation from the preſident or vice preſident; to examine the proficiency of the ſtudents; to confer the literary degrees of bachelor and maſter of arts; to fix the ſeat of the college, and erect the neceſſary buildings, in the vicinity of Knoxville; to make all laws and regulations which they ſhall judge neceſſary for the good government of the college, and for promoting morality and virtue among the ſtudents, provided they be conſiſtent with the laws of the United States: and they ſhall take effectual care that ſtudents of all denominations may and ſhall be admitted to the equal advantages of a liberal education, and to the emoluments and honors of the college, and that they ſhall receive a like fair, generous and equal treatment during their reſidence therein.

Sec. 4. *And be it enacted*, That the preſident, vice preſident, profeſſors, tutors, and ſtudents of ſaid college ſhall be exempted from all military duty, during their continuance as members of the college, except in a general invaſion of the territory.

CHAP. XIX.

AN ACT to eſtabliſh a COLLEGE in *Greene* county, in the Territory of the United States ſouth of the Ohio. (PASSED, SEPT. 3, 1794.)

WHEREAS in all well regulated governments, it is the incumbent duty of the legiſlature to conſult the happineſs of the riſing generation, and endeavour to fit them for an honorable diſcharge of the ſocial duties of life, by paying the ſtricteſt attention to their education:

BE *it enacted by the Governor, Legiſlative Council and Houſe of Repreſentatives of the Territory of the United States of America ſouth of the river Ohio.* That there ſhall be a college, known by the name of Greeneville College, in Greene county, on the plantation where the Reverend Hezekiah Balch now lives: And that the Reverend Hezekiah Balch ſhall be preſident, under the following reſtrictions, to wit: That the ſaid Hezekiah Balch ſhall veſt in the truſtees of ſaid college, and their ſucceſſors forever, a legal title, in fee ſimple, to ſuch a quantity of land as the preſident and truſtees may judge neceſſary for erecting the buildings for ſaid college

Sec. 2 *And be it enacted,* That Hezekiah Balch, Samuel Doak, James Balch, Samuel Carrick Robert Henderſon, Gideon Blackburn, Archibald Roane, Joſeph Hamilton, Wm Cocke, Daniel Kennedy, Landon Carter. Joſeph Harden, ſen. John Rhea, and John Sevier, ſen. eſquires, ſhall be, and they are hereby declared to be a body politic & corporate, to be known by the name of the Truſtees of Greeneville College; and by that name ſhall have perpetual ſucceſſion and a common ſeal; and that they, or a majority of them, ſhall be capable in law to take, demand, and receive, and poſſeſs all monies, goods, and chattels that ſhall be given them for the uſe of the college.

Sec. 3 *And be it enacted,* That the ſaid truſtees and their ſucceſſors, or a majority of them, by the name aforeſaid, ſhall be able in law to bargain, ſell, grant, demiſe, alien, or diſpoſe of, and convey and aſſure to the purchaſers, any ſuch lands, rents, tenements, and hereditaments as may be in their hands, when the condition of the grant to them, or the will of the deviſor does not forbid it; and further, that they the ſaid truſtees and their ſucceſſors forever, or a majority of them, ſhall be capable in law by the name aforeſaid, to ſue and implead, be ſued and impleaded, anſwer and be anſwered, in all courts of record whatſoever: They ſhall alſo have power to open and receive ſubſcriptions; to meet whenever the preſident of the college ſhall requeſt them; and when they meet the preſident of the college ſhall be preſident of the board of truſtees. And further, they ſhall have a right to remove from office the preſident or any of the truſtees, and to chuſe others in their room when they judge it neceſſary: to alter the place of the college when they think proper. They ſhall have authority to confer the degrees of bachelor and maſter of arts. And finally, they ſhall have power to make all ſuch laws and regulations for the government of the college, and preſervation of order and good morals therein, as are uſually made in ſuch ſeminaries, and as to them may appear neceſſary for the promotion of learning and virtue, provided the ſame be not contrary to the unalienable rights of human nature, or the laws of the territory.

Sec. 4. *And be it enacted,* That the preſident, before he enters on the execution of his office, ſhall appear before the county court of Greene, publicly declare his acceptance of the office, and determination to execute the ſame to the beſt of his ability; which declaration ſhall be entered of record by the court. And each truſtee, before he enters on the execution of his office, ſhall appear before the preſident and make the like declaration, which ſhall be entered on the records of the college. And the preſident ſhall have a right to reſign his office at any time, by ſignifying his reſignation in writing to the board of truſtees. And any truſtee ſhall have a right to reſign his office at any time, by ſignifying his reſignation in writing to the preſident.

CHAP. XX.

An ACT *to authoriſe the raiſing a fund for the purpoſe of diſcharging the coſt of cutting and clearing a waggon road from South Weſt Point to the ſettlements on Cumberland river in Mero diſtrict by lottery*

PASSED, SEPTEMBER 27 1794

Section 1. BE *it enacted by the Governor Legiſlative Council and Houſe of Repreſentatives of the Territory of the United States of America ſouth of the river Ohio* That in order that a ſufficient fund may be raiſed for the purpoſe above mentioned, that a ſcheme be authoriſed for drawing a lottery, to conſiſt of three thouſand one hundred tickets, three thouſand of which ſhall be, by the managers named put into the hands of ſuch diſcreet perſons as they may judge properly qualified for ſelling the ſame; or, if they chuſe ſo to do, may be kept in their own hands, and ſold by them, at five dollars each; and the remaining one hundred ſhall be reſerved by the ſaid managers as tickets belonging to the road, and the prizes drawn thereon to be conſidered as a part of the fund hereby intended to be raiſed.

Sec. 2. *And be it enacted*, That the prizes and blanks in the ſaid ſcheme contained, ſhall be as follows, to wit:

Prize		Dollars.		Dollars.
1	of	1,500	is	1 500
1		750		750
2		500		1,000
4		200		800
15		100		1,500
30		50		1,500
100		25		25,00
545		10		5 450
698 total prizes,				15.000
2.402 blanks.				

And that each and every prize be ſubjected to a deduction of one fifth part, which part, ſo deducted, together with ſuch prizes as may be drawn in favor of the road tickets, ſhall be by the ſaid managers paid into the hands of the then treaſurer of the territory, there to remain as a fund for the purpoſes aforeſaid, until the ſame be drawn out of his hands in the manner hereafter directed.

Sec. 3 *And be it enacted*, That the managers of the ſaid lottery ſhall (in caſe the whole of the ſaid tickets are not ſold previous to the commencement of the drawing the ſaid lottery) have full power and authority to alter the above ſcheme, and apportion it as nearly as poſſible to the ſame, and the number of tickets ſold, and amount of caſh received for the tickets ſold, and proceed to draw the ſame, in the ſame manner, and at the ſame place as they would have done had no ſuch alteration been made

Sec. 4. *And be it enacted*, That Col. James White, Col James Wincheſter, Col. Stockley Donelſon, Capt. David Campbell, Col. William Cocke, and Col. Robert Hayes, or a majority of them, be, and they are hereby declared to be managers of the ſaid lottery, with full and ample powers to carry the ſame into effect, agreeable to the intent and meaning of this act. *Provided always*, that previous to either of the ſaid managers entering into the duties of his appointment, he or they ſhall enter into bond, with approved ſecurity, to the governor for the time being, in the ſum of five thouſand dollars, for the faithful execution of the truſt repoſed in him, and ſhall alſo take and ſubſcribe an oath to the ſame effect, before the ſaid governor. And *provided alſo*, that a majority of the ſaid managers ſhall be competent, in the abſence of the others, to execute the truſt hereby intended to be given.

Sec. 5. *And be it enacted*, That the ſaid lottery ſhall be drawn in the town of Knoxville, at ſuch time as the ſaid managers, or a majority of them ſhall appoint, and with equal juſtice to all parties concerned; at which time, or on application made to them by the holder or holders of the fortunate tickets, they ſhall make payment of the ſum or ſums due to each and every ſuch fortunate adventurer without delay.

Sec. 6. *And be it enacted*, That the ſcheme for this lottery, with a full ſtatement of its principles, be advertiſed in the Kentucky, North-Carolina, Virginia, and Territorial Gazettes, at leaſt three months ſucceſſively, and alſo publication for one month of the time and place of drawing the ſame, previous to its commencement. And that ſeparate bills, to the amount of three thouſand, be ſtruck and put into the hands of ſundry of the citizens of the ſaid ſtates and territory, with a requeſt from the managers to promote an object ſo intereſting to the citizens of the United States.

Sec. 7. *And be it enacted*, That Col. James White, Col. James Wincheſter, Col. Stockley Donelſon, Capt. David Campbell, Col. William Cocke, and Col. Robert Hays, or a majority of them, be, and they are hereby declared to be a board of commiſſioners for the purpoſe of letting out, to the beſt advantage, the cutting and clearing out a good and ſufficient waggon road from South Weſt Point, in Hamilton diſtrict, to Bledſoe's Lick, in Mero diſtrict; and that they proceed in the execution of their truſt as ſoon as a ſufficient fund ſhall be raiſed for that purpoſe, by virtue of the plan herein before mentioned.

Sec. 8. *And be it enacted*, That the ſaid board of commiſſioners (which board may at any time be conſtituted by the preſence of a majority) ſhall have full power and authority, at any time during the proſecution of the duties hereby required of them, to draw out of the hands of the treaſurer, by virtue of a warrant from the governor for the time being, ſuch ſum or ſums of money out of the fund aforeſaid, as may from time to time become neceſſary for defraying the charges incident thereto, they giving good and ſufficient ſecurity, under the penalty of double the ſum ſo received, for the faithful appropriation thereof for the purpoſes aforeſaid.

Sec. 9. *And be it enacted*, That the commiſſioners and managers aforeſaid, ſhall be allowed for the ſaid ſervices, ſuch ſum or ſums each, as a future ſeſſion of this general aſſembly may direct.

CHAP. XXI.

AN ACT *to authoriſe the drawing a lottery in the diſtrict of Mero, for the purpoſe of raiſing a fund for erecting a diſtrict goal and ſtocks in the town of Naſhville*—(PASSED SEPTEMBER 27, 1794.)

Section 1. BE *it enacted by the Governor, Legiſlative Council and Houſe of Repreſentatives of the Territory of the United States of America ſouth of the river Ohio*, That the following ſcheme for a lottery be carried into effect for the purpoſes aforeſaid, to wit. The number of one thouſand tickets ſhall be iſſued and ſold out to adventurers at three dollars each and the prizes and blanks in ſaid ſcheme ſhall be

1 Prize of	300 Dollars is	300 Dolls.
2	150	300
4	100	400
10	50	500
25	20	500
100	10	1000

142 total prizes.
858 blanks.

And that each of the prizes aforeſaid, ſhall be ſubject to a deduction of one fifth part, for the purpoſe of raiſing the fund aforeſaid; which ſum, ſo raiſed, amounting to ſix hundred dollars, together with the further ſum of dollars to be be and remain a fund for building a good and ſufficient diſtrict goal and ſtocks in the town of Naſhville, in Mero diſtrict.

Sec. 2. *And be it enacted,* That David Wilſon, Edward Douglaſs, Thomas Molloy, Seth Lewis, and Thomas Johnſton, eſquires, be and they are hereby appointed managers of the ſaid lottery, with full powers to iſſue tickets and direct the diſpoſal thereof, collecting the monies ariſing upon the ſales, and carrying into effect the drawing of the lottery aforeſaid, in ſuch manner and at ſuch time as they, or a majority of them, ſhall think moſt conſiſtent with juſtice to the adventurers: *Provided,* the ſame be drawn within twelve months after the paſſing this act. And in caſe the whole number of tickets cannot be ſold, the ſaid managers, or a majority of them, ſhall have full power and authority to make a ſcale of blanks and prizes as nearly agreeable to the within mentioned ſcale, as the fund by them raiſed on the ſales of the ſaid tickets will admit of, and report the deficiency of the ſum of ſix hundred dollars hereby intended to be raiſed, after deducting the one fifth part as aforeſaid from each and every prize, to the judges of the ſuperior court of the diſtrict; after which report, it ſhall be lawful for the ſaid managers to retain the money ariſing from the prizes of the ſaid lottery, for the purpoſe aforeſaid.

Sec. 3. *And be it enacted,* That the ſame managers ſhall be, and they are hereby conſtituted a board of commiſſioners, for the purpoſe of letting out the building a diſtrict goal and ſtocks as aforeſaid, upon ſuch plan as they, or a majority of them, ſhall determine to be the moſt advantageous to the diſtrict. And the money ariſing from the aforeſaid lottery, to be appropriated to the uſe of building the ſaid priſon and ſtocks, together with all contingent expences; which allowance the judges of the ſuperior court of the ſaid diſtrict are hereby authoriſed to eſtimate and allow, as to them, or ſo many of them as ſhall be ſitting at the time application is made for ſuch allowance, ſhall appear to be juſt.

CHAP. XXII.

An ACT *for the relief of ſuch perſons as have ſuffered, or may ſuffer, by thier grants, deeds and meſne conveyances not being proved & regiſtered within the time heretofore appointed by law.* (PASSED SEPT. 30, 1794.)

Section 1. BE *it enacted by the Governor, Legiſlative Council and House of Repreſentatives of the Territory of the United States of America ſouth of the river Ohio,* That all grants for lands entered in the late land office of North Carolina, under the preſent conſtitution of that ſtate, which have not been regiſtered within the time heretofore appointed by law, ſhall and may within two years after the paſſing of this act, be admitted to regiſtration, and ſhall be as good and valid as if they had been regiſtered within the time aforeſaid; and all grants, obtained for lands aforeſaid, which have been regiſtered ſince the expiration of the time by law appointed for their being regiſtered, ſhall be as good and valid to all intents and purpoſes, as if they had been regiſtered within the time aforeſaid, any law to the contrary notwithſtanding.

Sec. 2. *And be it enacted*, That all deeds and meſne conveyances of lands, tenements and hereditaments, not already regiſtered, acknowledged or proved, ſhall and may within two years after the paſſing of this act, be acknowledged by the grantor or grantors, his or their agents and attornies, or proved by one or more of the ſubſcribing witneſſes to the ſame, and tendered or delivered to the regiſters of the counties where ſuch lands, tenements or hereditaments are reſpectively ſituated; and all deeds and meſne conveyances whatſoever which ſhall be acknowledged or proved according to the directions of this act, though not within two years after the date of ſuch conveyance, ſhall be good and valid in law, and enure and take effect as fully and effectually to the uſe and behoof of the grantees, their heirs and aſſigns, and thoſe claiming under them, as if ſuch deed and conveyance had been acknowledged or proved and regiſtered agreeable to the directions of any law heretofore made. *Provided*, That nothing in this act contained, ſhall be conſtrued ſo as to admit to record or regiſtration, or ratify and enforce any grant or grants heretofore made in lord Granville's office.

Sec. 3. And where any purchaſe of land hath been made within this territory, ſince which time the grantor or grantors, or the ſubſcribing witneſſes have removed themſelves out of the county where ſuch land lies, *Be it enacted*, That if any perſon or perſons, under the before mentioned circumſtances, ſhall make it appear to the ſatisfaction of the county court of the county in which ſuch land may lie, the ſaid court is hereby empowered to grant a dedimus, directed to ſome juſtice of the peace in the county or territory where ſuch grantor or grantors or any of the ſubſcribing witneſſes may be, empowering the ſaid juſtice to take the acknowledgment or probate of ſuch deed or deeds, and requiring him to certify the ſame under his hand and ſeal, directed to the ſaid county court, ſetting forth that ſuch deed or deeds have either been acknowledged by the grantor or grantors, or otherwiſe proved by the oath of one or more of the ſubſcribing witneſſes; then, and in that caſe, ſuch county court is hereby empowered to admit ſuch deed or deeds to record and regiſtry, which ſhall be as valid in law, as if the ſame had been acknowledged or proved in open court of ſaid county, any law to the contrary notwithſtanding.

CHAP. XXIII.

AN ACT *for the relief of ſuch perſons as have been diſabled by wounds, or rendered incapable of procuring for themſelves and families ſubſiſtence in the militia ſervice of this territory and providing for the widows and orphans of ſuch as have died.* (PASSED SEPTEMBER 30 1794)

Section 1. BE *it enacted by the Governor, Legiſlative Council, and Houſe of Repreſentatives of the Territory of the United*

States of America ſouth of the river Ohio, That from and after the paſſing of this act, every perſon who ſhall come within the above deſcription ſhall apply to the court of the county in which he or they ſhall reſide, which court, on ſuch application, ſhall certify to the general aſſembly the diſtreſſes of ſuch perſon or perſons, who ſhall have allowances adequate to their relief, for one year; which allowance ſhall be continued for the ſucceeding year, and ſo long as ſuch court ſhall certify ſuch perſon to continue under the deſcription aforeſaid; which order, or certificate of court, being counterſigned by the governor, and preſident of the council, and ſpeaker of the houſe of repreſentatives, together with their order or certificate for the ſum allowed, ſhall be ſufficient voucher to any ſheriff; collector or treaſurer paying the ſame, in the ſettlement of their public accounts.

Sec. 2. *And be it further enacted*, That the widows and orphans of ſuch perſons as come within the above deſcription, ſhall be entitled to obtain relief on application to the county court, in the ſame manner as thoſe diſabled perſons before mentioned.

Sec. 3. *And be it enacted*, That if any allowances be made during the preſent ſeſſion of this general aſſembly, to objects within either of the before mentioned deſcriptions, it ſhall be paid by the ſheriffs, collectors or treaſurers, or either of them, according to the order contained in the certificate of ſuch allowance.

IN GENERAL ASSEMBLY,

SEPTEMBER 30, 1794.

RESOLVED, That the cavalry of Hamilton diſtrict, be organized and formed into a ſeparate and diſtinct regiment of cavalry, and that the ſame ſhall enjoy all the privileges and immunities that the other regiments of cavalry in this territory enjoy.

SEPTEMBER 23, 1794.

RESOLVED, That it is the ſenſe of this general aſſembly, that two or more of the judges, in diſcharge of their duty, ſhould attend each and every of the ſupreme courts of law, and equity, if practicable, any law authoriſing one judge, in the abſence of the others, to hold the ſame notwithſtanding.

Reſolved, that the clerks of the council and houſe of repreſentatives be directed to cauſe to be delivered to each of the judges of the ſupreme courts of law and equity, an authenticated copy of the above, and of this reſolution.

WILLIAM BLOUNT, Governor.
GRIFFITH RUTHERFORD, P. L. C.
DAVID WILSON, S. H. R.

ACTS

PASSED AT THE SECOND SESSION OF THE TERRITORIAL ASSEMBLY,

BEGAN AND HELD AT KNOXVILLE, ON MONDAY THE TWENTY NINTH DAY OF JUNE, ONE THOUSAND SEVEN HUNDRED AND NINETY FIVE.

CHAPTER I.

AN ACT *providing for the enumeration of the inhabitants of the Territory of the United States of America ſouth of the river Ohio.*

(PASSED JULY 11, 1795)

Section 1 BE *it enacted by the Governor, Legiſlative Council, and Houſe of Repreſentatives of the Territory of the United States of America ſouth of river Ohio,* That the ſheriffs of the reſpective counties of the ſaid territory ſhall be, and hereby are authoriſed and required, to take, or cauſe the number of the people within their reſpective counties to be taken; omitting in ſuch enumeration Indians not taxed, and diſtinguiſhing free male perſons, including thoſe bound to ſervice, from all others; diſtinguiſhing alſo the ſexes and colors of free perſons, and the free males ſixteen years and upwards, from thoſe under that age. For effecting which purpoſe, the ſheriffs may, and ſhall be aided by their deputies; and the ſheriff of each county ſhall aſſign to each deputy employed in aid to himſelf in taking the enumeration, a certain diviſion of his county, plainly deſcribed in writing. The ſheriffs and their deputies ſhall reſpectively take an oath or affirmation, before ſome juſtice of the peace, reſident within their reſpective counties, previous to entering on the diſcharge of the duties required by this act; the oath or affirmation of the ſheriff ſhall be: "I, A. B. ſheriff of the county of   do ſolemnly ſwear (or affirm) that I will well and truly make, or cauſe to be made, a juſt and perfect enumeration of all the people within the ſaid county, and return the ſame to the governor of the territory aforeſaid, agreeable to the directions of an act entitled, 'An act providing for the enumeration of the inhabitants of the territory of the United States of America ſouth of the river Ohio,' according to the beſt of my ability."

The oath or affirmation of a deputy ſhall be: "I A. B of   county, do ſolemnly ſwear (or affirm) that I will make a juſt enumeration of all the people within the diviſion of the ſaid county aſſigned to me by the ſheriff thereof, and make return thereof to the ſaid ſheriff, agreeable to the directions of an act of the general aſſembly of the territory aforeſaid, entitled, 'An act providing for the enumeration of the inhabitants of the territory of the United States of America ſouth of the river Ohio,' according to the beſt of my ability."

The enumeration ſhall commence on the fifteenth day of September, and cloſe on the fifteenth day of November. The ſeveral deputies ſhall, on or before the eighteenth day of November next, deliver to the ſheriffs whoſe deputies they are, accurate returns of all perſons (except Indians not taxed) within their reſpective diviſions; which returns ſhall be made in a ſchedule, diſtinguiſhing the ſeveral families by the name of their maſters, miſtreſſes, ſteward, overſeer or other principal perſon therein, in manner following, that is to ſay——

The number of perſons within my diviſion of county, conſiſting of appears in a ſchedule hereunto annexed, ſubſcribed by me this day of 1795.

Names of heads of families.	Free white males ſixteen years & upward, including heads of families.	Free white males under 16 years.	Free white females including heads of families	All other free perſons.	Slaves.

Sec. 2. *And be it enacted,* That every deputy ſheriff failing to make return, or making a falſe return of the enumeration to the ſheriff of the county, within the time by this act limitted, ſhall forfeit the ſum of fifty dollars.

Sec. 3. *And be it enacted,* That the ſheriffs of the reſpective counties, on or before the thirtieth day of November next, ſhall tranſmit to the governor a ſchedule in manner and form as before directed, of the aggregate amount of each deſcription of perſons, in their reſpective counties. And every ſheriff failing to return the aggregate amount of each diſcription of perſons in their reſpective counties, to the governor, within the time limitted by this act, ſhall forfeit and pay the ſum of two hundred dollars; which forfeitures ſhall be recoverable in the courts of the county where the ſheriff or deputy ſheriff ſhall reſide, by action of debt or information, the one half thereof to the uſe of the territory and the other half to the informer; but where the proſecution ſhall be firſt inſtituted on behalf of government, the whole ſhall accrue to its uſe.

Sec. 4. *And be it enacted,* That the ſheriffs of the reſpective counties ſhall be allowed one dollar for every two hundred perſons returned to the governor, in the aggregate ſchedule of the whole enumeration of the county, and be paid the ſame from the treaſury of the territory, by warrant from the governor, upon one of the treaſurers of the ſaid territory, in full compenſation for himſelf and deputies in taking the ſaid enumeration.

Sec. 5. *And be it enacted.* That every perſon whoſe abode ſhall be in any family within the time limitted by this act, for taking the enumeration of any county in this territory, ſhall be returned as of ſuch family; and every perſon abſent at the time of the enumeration ſhall alſo be included in the return of the family with whom he or ſhe actually reſide; and every perſon who ſhall be in any county in this territory at the time of the enumeration, without a ſettled place of reſidence therein ſhall be inſerted in the column of the ſchedule allotted to the heads of families.

Sec. 6. *And be it enacted,* That each and every perſon more than twenty one years of age, whether heads of families or not, belonging to any family in any county, ſhall be, and is hereby obliged to render to the ſheriff or his deputy a true and correct account, if required, to the beſt of his or her knowledge, of all & every perſon belonging to ſuch family reſpectively, according to the ſeveral deſcriptions aforeſaid, on pain of forfeiting twenty dollars, to be recovered by warrant before any juſtice of the peace of the county in which ſuch refuſal or neglect ſhall happen, one half to the uſe of the ſheriff or his deputy to whom ſuch refuſal or neglect ſhall be made, and the other half to the uſe of the territory, upon proof thereof being made by the oath of one or more legal witneſſes.

Sec. 7. *And be it enacted*, That the ſheriffs of the reſpective counties may appoint deputies in addition to thoſe already in commiſſion, not exceeding five to a county, for the ſpecial purpoſe and no other, of aiding in making the enumeration of the people by this act required; which appointment ſhall be in writing.

Sec. 8. *And be it enacted*, That if, upon taking the enumeration of the people in the territory, as by this act directed, it ſhall appear that there are ſixty thouſand inhabitants therein, counting the whole of free perſons, including thoſe bound to ſervice for a term of years, and excluding Indians not taxed, and adding three fifths of all other perſons, the governor be authoriſed and requeſted to recommend to the people of the reſpective counties, to elect five perſons of each county, to repreſent them in convention, to meet at Knoxville, at ſuch time as he ſhall judge proper, for the purpoſe of forming a conſtitution or form of government, for the permanent government of the people who are or ſhall become reſidents upon the lands by the ſtate of North Carolina ceded to the United States, by an act entitled, "An act for the purpoſe of ceding to the United States of America certain weſtern lands therein deſcribed." And whereas upon taking the enumeration, there may eventually be found to be a leſs number of perſons than ſixty thouſand, which will render it eſſential that the ſenſe of the people at large ſhould be aſcertained, whether it is their intereſt or wiſh to become a member ſtate of the federal government, with ſuch leſs number than ſixty thouſand: *Be it therefore enacted*, That it ſhall be the duty of the ſheriffs and their deputies, at the time of making the enumeration, to ſtate to each free male perſon, eighteen years of age and upwards, the following queſtion: "Is it your wiſh, if upon taking the enumeration, there ſhould prove to be leſs than ſixty thouſand inhabitants, that this territory ſhall be admitted as a ſtate into the federal union with ſuch leſs number, or not" And it ſhall be the duty of the ſheriffs and their deputies to make due returns of the yeas and nays upon that queſtion, to the governor; for which purpoſe an additional column ſhall be made to the ſchedule, to the right of the column for ſlaves; and if the number be leſs than ſixty thouſand, and the queſtion be determined in the affirmative, the governor is requeſted to call the general aſſembly into ſeſſion as early as may be.

Sect 9. *And be it enacted*, That each member of convention ſhall be entitled to receive the ſame wages as a member of this preſent ſeſſion of aſſembly, for every day he ſhall attend the convention, and ſhall be allowed an equal ſum for every thirty miles of the eſtimated diſtance from his place of reſidence to Knoxville, and back to his reſidence, to be paid by the treaſurer of either diſtrict, upon the certificate of the preſident of the convention, counterſigned by the ſecretary or clerk thereof.

CHAP. II.

AN ACT *to amend an act, paſſed at Knoxville, September thirtieth, one thouſand ſeven hundred and ninety four, entitled* An act aſcertaining what property in this territory ſhall be deemed taxable property and the method of collecting public taxes. (PASSED JULY 11 1795)

Section 1. BE *it enacted by the Governor, Legiſlative Council, and Houſe of Repreſentatives of the Territory of the United States of America ſouth of the river Ohio,* That all lands held by grant, deed, entry, legacy or deſcent, included within the lines of the treaty of Holſton, or by leaſe, or by right of dower, all free males and male ſervants, between the age of twenty one and fifty years; all ſlaves, male and female, between the age of ten and fifty years, all ſtud horſes kept for covering mares, and town lots within this territory, ſhall be ſubject to the payment of public taxes; and the public tax on ſuch property and perſons ſhall be aſſeſſed and proportioned in the manner directed by this act, that is to ſay, all lands ſhall be taxed by the hundred acres, and ſo in proportion for a greater or leſs quantity

Sect 2. *And be it enacted,* That the public tax on every hundred acres of land, ſhall be twelve and an half cents; on all taxable white polls twelve and an half cents; on each and every taxable negro poll, twenty five cents; on each and every ſtud horſe kept for covering mares two dollars; on each town lot fifty cents.

Sec. 3. *And be it enacted,* That all taxable property and polls, ſhall be returned in the county where ſuch property and polls ſhall be, on the firſt day of January, one thouſand ſeven hundred and ninety ſix, and on the ſame day every ſucceeding year; and that it ſhall be the duty of the ſheriff and collector of the taxes for each and every county, by ſuch lawful ways and means as may be in their power, by having recourſe to the regiſter's and clerk's offices, or otherwiſe, to diſcover all ſuch taxable property or polls as ſhall not have been returned within the time limited by law, and to report the ſame in writing under his hand to the clerk of the county, which the ſaid clerk ſhall enter in his liſt of taxable property, to the treaſurer of his diſtrict, in the ſame manner as if it had been taken by a juſtice of the peace, in the manner and form as preſcribed by law.

Sec. 4. *And be it enacted,* That at the firſt court in every county, to be held next after the firſt day of January, one thouſand ſeven hundred and ninety ſix, in every year, ſuch court ſhall appoint a juſtice of the peace for each captain's diſtrict in the county, to recieve liſts of taxable property for the then preſent year; and the juſtices, when ſo appointed ſhall, without delay, fix the time and place in each diſtrict, for receiving liſts of taxable property and polls; and in order that all the inhabitants may be appriſed in due time that ſuch liſts are to be received, the juſtices of each diſtrict ſhall advertiſe the ſame, at three of the moſt public places in his diſtrict, at leaſt fifteen days previous to the time of taking the liſt of ſuch taxable property and polls; and the clerk of each county court ſhall furniſh each juſtice within twenty days after his appointment, with a fair alphabetical copy at large, of the taxable property and polls within his diſtrict the preceeding year, under the penalty of one hundred dollars for each neglect, to be recovered by action of debt in the governor's name, in any court having cognizance thereof, to be applied to the uſe of the county.

Sec. 5. *And be it enacted*, That the inhabitants of the reſpective diſtricts in each county, ſhall attend at the time and place ſo to be appointed, and ſhall return on oath, in writing, to the juſtices appointed to receive the ſame, all his, her or their taxable property and polls in ſuch county, the quantity of lands, diſtinguiſhing the particular tracts, the number of free males and ſervants between the age of twenty one and fifty years, the number of ſlaves male and female, between the age of ten and fifty years which to him, her or them belonged, or who live in his, her or their family on the firſt day of January, one thouſand ſeven hundred and ninety ſix, and on the firſt day of January in every ſucceeding year, and the oath to be adminiſtered by the juſtice receiving ſuch liſt ſhall be as follows: "You do ſwear (or affirm as the caſe may be) that the liſt by you delivered contains a juſt and true account of all the property and polls, for which by law you are ſubject to pay taxes, to the beſt of your knowledge and belief, *So help you God*"

Sec 6. *And be it enacted*, That the juſtices who ſhall be appointed to receive the liſts of taxable property and polls, ſhall make fair returns of their liſts reſpectively to their reſpective county courts, next after ſuch liſt ſhall be received, and the juſtices in their returns ſhall (excluſive of the original liſts received by them) diſtinguiſh the perſons names, the ſeveral tracts of land, the quantity and ſituation of each tract, and the number of taxable polls, white and black, in the following manner, to wit, perſons names, quantity in each tract, ſituation, or place where each tract lies, number of free polls, number of town lots, number of black polls, number of ſtud horſes, amount of each perſon's taxable property.

Sec. 7. *And be it enacted*, That the clerk of each court ſhall record at large, in alphabetical order, the annual returns to be made by the juſtices in his county, and the court ſhall and may make a reaſonable allowance for ſuch ſervices, to be paid out of the county tax; and if any perſon appointed to receive liſts of taxable property and polls, ſhall fail or neglect to diſcharge the duty of his appointment, the perſon ſo failing or neglecting ſhall forfeit and pay the ſum of fifty dollars, to be recovered in any court of record having cognizance thereof, in the name of the governor, to the uſe of the county; and if any maſter or miſtreſs of a family, his, her or their agents, factors, managers or attornies, after due notice given as before directed, ſhall fail or neglect to attend and return inventories of his, her or their taxable property and polls, in manner before mentioned, each and every perſon ſo failing or neglecting, ſhall forfeit and pay the ſum of fifty dollars, to be recovered and applied as in the caſe laſt mentioned, and the perſon ſo failing ſhall pay a double tax; the number of polls belonging to the perſon neglecting as aforeſaid, to be reported by the juſtice to the beſt of his knowledge; and if any executor, adminiſtrator, guardian, truſtee, agent or attorney, ſhall, after due notice, fail to return an inventory to the juſtice appointed to receive the ſame, of the taxable property in his truſt or poſſeſſion, the property of the teſtator, inteſtate, minor or abſentee, ſhall be liable to a double tax; and the juſtice ſhall report the ſame, to the beſt of his knowledge or information; and ſuch double tax ſhall be levied on the proper eſtate of ſuch executor, adminiſtrator, guardian, truſtee, agent or attorney.

Sec. 8. *And be it enacted*, That the ſeveral juſtices appointed to receive liſts of the taxable property and polls, ſhall make return of their own liſts to the county courts, or to ſome other juſtice; and if any juſtice appointed to receive liſts of taxable property and polls ſhall die, refuſe to act or remove out of the county before the duty of his appointment ſhall be performed, any three juſtices of ſaid county may, and they are hereby authoriſed and directed to appoint another to act in the place of ſuch perſon ſo dying, refuſing to act or removing; and the perſon ſo appointed ſhall be on the ſame footing, in all reſpects as if he had been originally appointed.

Sec 9. *And be it enacted*, That every perſon holding lands by title of dower, courteſy or other eſtate for life, or on leaſe for five years or more, computing from the commencement of ſuch leaſe to the end of the term, ſhall return an inventory of ſuch eſtate and pay the public taxes thereon, as in other caſes. *Provided always*, that any perſon incurring any of the penalties in this act mentioned for omiting to return his liſt of taxable property and polls, may apply to the county court to which the liſt ſhall be returned, or to the next ſucceeding court, and ſuch court, upon ſufficient reaſons ſhewn, may remit the penalties.

Sec. 10. *And be it enacted*, That all perſons reſiding out of this territory, who have incurred the fine and double tax, for the year one thouſand ſeven hundred and ninety five, and ſhall by themſelves, their agent, factor or attorney, return on oath a liſt of their taxable property to the clerk of the county where ſuch property may be, and pay the ſame to the collector of ſaid county, within the ſaid year, ſhall be and is hereby releaſed from paying ſuch double tax and fine.

CHAP. III.

An ACT *pointing out the method of compelling perſons reſiding in this territory to give evidence in cauſes pending in any of the United States* (PASSED JULY 6, 1795)

WHEREAS much inconvenience has ariſen to individuals, from no compulſory proceſs having been adopted in the different ſtates to oblige the citizens or reſidents thereof to give evidence in ſuits pending in other ſtates; and for remedy, as far as it might be occaſioned by perſons reſiding in this territory:

Section 1 BE *it enacted by the Governor, Legiſlative Council and Houſe of Repreſentatives of the Territory of the United States of America ſouth of the river Ohio*, That if the teſtimony of any perſons reſiding within this territory ſhall be required in any ſuit pending in any court of record in either of the United States, and he, ſhe or they ſhall be required, to appear before commiſſioners legally appointed, to take his or her examination, under a commiſſion properly iſſued and authenticated agreeable to the laws and rules of the courts of the ſtate from which it ſhall be ſent, or appearing ſhall refuſe to anſwer to ſuch legal interrogatories as ſhall be annexed to the ſaid commiſſion, and exhibited to him, her or them, it ſhall be lawful for any of the ſaid commiſſioners, or the party upon whoſe application the ſaid commiſſion was iſſued, to apply to any judge of the ſuperior courts of this territory, or juſtice of the inferior court of the county within which ſuch perſon, whoſe teſtimony is required, may reſide; And upon producing before him ſuch commiſſion, and his being ſatisfied with its regularity; and on affidavit being made of ſuch refuſal, he ſhall iſſue a ſubpœna, in the uſual form, directed to ſuch perſon or perſon, as aforeſaid, requiring him, her or them to be and appear before the ſaid commiſſioners, at a certain time and place, to anſwer to ſuch legal interrogatories as may be annexed to the ſaid commiſſion, and then exhibited to him, her or them. *Provided*, That he, ſhe, or they ſhall not be required to attend ſuch examination, and give anſwers to the ſaid interrogatories within leſs than two days after the ſervice of the ſaid ſubpœna; neither ſhall he, ſhe, or they be obliged to attend for ſuch examination out of the county where they reſide. And upon due ſervice of the ſaid ſubpœna upon ſuch perſon or perſons, the ſame ſhall be returned to the commiſſioners on or before the time appointed for the examination, and the ſervice of ſuch ſubpœna proved by the return of the proper officer; and on the refuſal or neglect of ſuch perſon or perſons to comply with its mandate, endorſed on, or annexed to the ſaid ſubpœna, and returned to the ſuperior or inferior courts (as the caſe may be) of the county in which ſuch perſon or perſons reſide, he, ſhe, or they ſhall be ſubject for ſuch neglect or refuſal in all the pains and penalties to which ſuch perſon or perſons would have been ſubject for a ſimilar default, in any caſes pending in the courts of this Territory.

Sec 2. *And be it enacted*, That the perſon or perſons whoſe evidence ſhall be required as aforeſaid ſhall, if they, or any of them require the ſame, be entitled to the ſame fees or pay as perſons ſummoned to give evidence in the ſuperior or inferior courts of this Territory.

CHAP. IV.

AN ACT *to amend and explain an act of the General Aſſembly, paſſed at Knoxville, in September, one thouſand ſeven hundred and ninety four, entitled*, "An act to repeal ſo much of an act requiring perſons holding monies ariſing from fines and forfeitures, impoſed for the puniſhment of public offenders, taxes on proceedings in law and equity, on the probate of deeds, on the regiſtering grants for land, and the iſſuing marriage and ordinary licences, as directed by the laws of North Carolina, to account for and pay the ſame, as lays a tax on marriage licences."

WHEREAS it appears that there is no method preſcribed in the aforeſaid act, whereby the regiſters in the ſeveral counties can effect the collection of the public tax, laid on the regiſtration of original grants, but that the ſaid grants are left in the offices of the ſaid regiſters, without the tax being paid thereon; for remedy whereof,

Section 1. BE *it enacted by the Governor Legiſlative Council and Houſe of Repreſentatives of the Territory of the United States of America ſouth of the river Ohio*, That every original grant which ſhall lie in any of the regiſters offices within this Territory, for and during the term of two months after the paſſing of this act on which the public tax ſhall not have been paid, that then and in that caſe it ſhall be the duty of the ſaid regiſters to iſſue executions, directed to the conſtables of the county, in which the reſpective owners of ſuch grants ſhall reſide, for the ſaid public tax, and his fees for regiſtering the ſame, and for every execution ſo iſſued the regiſter iſſuing the ſame ſhall be entitled to receive fifty cents, to be taxed in the execution; and the different conſtables to whom ſuch executions may iſſue ſhall endorſe, execute, and return the ſame to the reſpective offices to which they ſhall be made returnable, in twenty days from the time they ſhall be by them received, in the ſame manner that they are by law directed to endorſe execute and return executions to them directed from any juſtice of the peace in this Territory; for which ſervice they ſhall be entitled to receive the ſame fees allowed for other executions, and ſhall be liable to the ſame forfeitures and penalties for failure. And it ſhall be the duty of the regiſter to advertiſe, at three of the moſt public places within his county the time preſcribed by law for the payment of the tax, at leaſt thirty days previous to iſſuing execution.

Sec. 2 *And be it enacted* That no regiſter in this Territory ſhall after the paſſing of this act, admit to regiſtration any original grant, previous to his having received the ſaid tax, under the penalty of fifty dollars, to be recovered by action of debt, before any juriſdiction having cognizance thereof; one third to the uſe of the informer and the other two thirds to the uſe of the county; nor ſhall he be compelled to regiſter any inſtrument of writing until his fees for the ſame ſhall be paid.

Sec 3. And whereas doubts have ariſen whether the perſons holding monies ariſing from fines and forfeitures impoſed for the puniſhment of public offenders, taxes on proceedings in law and equity, on the probate of deeds on the regiſtering grants for land, and tde iſſuing ordinary licences, ought by law to pay the ſame to the ſecretary of the Territory or to the treaſurer of the diſtrict in which they reſide; for remedy whereof, *Be it enacted*, That all perſons holding, or who ſhall hold the ſaid monies, ſhall account with and pay the ſame to the treaſurer of the diſtrict in which they ſhall reſide on or before the firſt day of October in each and every year; and in caſe of failure the ſaid treaſurer is authoriſed to ſue for and recover the ſame in the name of the governor, for the time being, for the uſe of the government.

Sec 4 *And be it enacted* That the clerk of each and every court of law and equity in the territory, and the regiſter of each and every county, at the firſt court that ſhall be held after the firſt day of January next, or in caſe of any unavoidable hindrance the next court afterwards, ſhall give bond with approved ſecurity, to the governor for the time being, in the ſum of five hundred dollars, conditioned for the due collection and payment of the monies ariſing from the fines and forfeitures, and taxes as aforeſaid; which bonds ſhall be tranſmitted by the clerks of the courts to the office of the treaſurer of the diſtrict wherein ſuch clerks ſhall hold their office, within three months from the time of entering into the ſame; and on failure thereof, ſhall, on complaint made to the judges of the ſuperior court, be ſubject to a fine at the diſcretion of the ſaid court, not exceeding one thouſand dollars, and alſo to an action on the part of the government for the damages ſuſtained.

Sec. 3. *And be it enacted*, That ſo much of the before recited act, as requires the holders of public monies to account with and pay the ſame into the hands of the ſecretary of the Territory is hereby repealed and made void.

CHAP. V.

AN ACT *appropriating certain monies in the hands of certain commiſſioners, appointed by an act of the general aſſembly of North Carolina, paſſed in the year one thouſand ſeven hundred and eighty nine, entitled,* " An act directing the ſale of ſalt licks and ſprings, with the adjoining land, within the diſtrict of Mero —(PASSED JULY 10, 1795)

Section 1 BE *it enacted by the Governor, Legiſlative Council and Houſe of Repreſentatives of the Territory of the United States of America ſouth of the river Ohio,* That the commiſſioners, and each and every of them, appointed by an act, entitled, " An act directing the ſale of ſalt licks and ſprings, with the adjoining land, within the diſtrict of Mero," be authoriſed and empowered to aſk, demand and receive, and to ſue for and recover the ſeveral ſums due and owing, both principal and intereſt, by the purchaſers and their ſecurities of the ſalt licks and ſprings, with the adjoining land, by the ſaid commiſſioners ſold, by virtue of the above recited act, and to pay the ſame into the hands of James White, James Wincheſter, Stockley Donelſon, David Campbell, William Cocke and Robert Hayes, or either of them, who are hereby declared to be a board of commiſſioners, for the purpoſe of cutting and clearing out a good and ſufficient waggon road from South Weſt Point in Hamilton diſtrict to Bledſoe's Lick in Mero diſtrict, except two hundred pounds, ordered by reſolve of the laſt general aſſembly to be paid into the hands of the commiſſioners of the lottery for building the jail of Mero diſtrict.

Sec 2 *And be it enacted,* That James White, James Wincheſter, Stockley Donelſon, David Campbell, William Cocke, and Robert Hayes, a majority of whom may at any time conſtitute a board, ſhall have full power and authority to apply the money by them or either of them received from the commiſſioners, or either of them appointed by virtue of the above recited act, to the cutting and clearing the above deſcribed waggon road.

Sec. 3 *And be it enacted.* That the ſaid James White, James Wincheſter, Stockley Donelſon, David Campbell, William Cocke, and Robert Hayes, and every of them, ſhall have power and authority to receive from each and every perſon, who has or ſhall voluntarily ſubſcribe money, or ſpecific articles, for the purpoſe of opening the ſaid road, and to apply the ſame for the purpoſe for which it has or ſhall be ſubſcribed.

Sec. 4 And whereas it appears to this general aſſembly, that Gen. James Robertſon, in order to promote the public intereſt, and relying upon the faith thereof, hath actually employed, upon ſtipulated terms, a number of perſons to aſſiſt in cutting and opening ſaid road: And whereas it is reaſonable and juſt that the ſaid perſons ſhould be paid purſuant to contract, *Be it enacted,* That the ſaid board of commiſſioners, or a majority of them, have power to adjuſt the accounts or claims of ſuch perſons, for ſervices performed by contract with the ſaid James Robertſon, and of paying them out of the monies appropriated for opening and cutting the ſaid road.

Sec. 5. *And be it enacted,* That it ſhall be the duty of the ſaid commiſſioners to keep an accurate and correct account of all receipts and expenditures, and ſhall lay the ſame before the next general aſſembly after the ſaid road ſhall be completed or at an earlier period, if they ſhall judge it neceſſary, or be thereunto required by the general aſſembly.

Sec. 6. *And be it enacted*, That the ſaid board of commiſſioners are authoriſed to employ a clerk, and to give him adequate compenſation for his ſervices out of the monies in their hands.

CHAP. VI.

AN ACT *to divide the county of Knox into two diſtinct counties.*

(PASSED JULY 11 1795)

WHEREAS the large extent and inconvenient ſituation of the county of Knox, renders it troubleſome and expenſive to many of the inhabitants thereof to attend courts and other public meetings therein:

Section 1. BE *it enacted by the Governor, Legiſlative Council, and Houſe of Repreſentatives of the Territory of the United States of America ſouth of the river Ohio* that the county of Knox ſhall be divided by a line as follows, to wit: Beginning upon the ſouth ſide of the river Holſton, at the mouth of Little River, then up the meanders of Little River, on the ſouth ſide to the mouth of Stock Creek, and up the meanders of Stock Creek upon the ſouth ſide to the head of Nicholas Bartlet's mill pond at high waters, thence a direct line to the top of Bay's Mountain, leaving the houſe of James Willis to the right, within forty rod of the ſaid line, thence along Bay's Mountain, to the line of the county of Sevier, thence with that line to the eaſtern boundary of the Territory, thence ſouthwardly to the line of the Indian boundary according to the treaty of Holſton, and with that line to the river Holſton, and up the meanders of the river Holſton, upon the ſouth ſide, to the beginning, ſhall thenceforth be erected into a new and diſtinct county, by the name of Blount County.

Sec. 2 *And be it enacted*, That William Wallace, Joſeph Black, Samuel Glaſs, David Craig, John Tremble, Alexander Kelly, and Samuel Henry, are hereby appointed commiſſioners, a majority of whom ſhall have power to fix the place for erecting the court houſe, priſon, and ſtocks, to receive and apply ſuch ſums of money as may be raiſed or appropriated to build the ſame, to obtain fifty acres of land, by purchaſe or otherwiſe, to lay the ſame out into a town, and to ſell and execute deeds for lots, and to apply the money ariſing from the ſale, to the building the court houſe, which town ſhall be called and known by the name of Maryville; and the ſaid commiſſioners ſhall give bond and ſecurity to the Governor, in the penal ſum of one thouſand dollars, for the due application of ſuch ſums of money as ſhall come to their hands for the purpoſes before expreſſed, and well and truly to account for the ſame, to and with the court of the ſaid county of Blount, which bond ſhall be filed in the office of the clerk of the ſaid county.

Sec. 3. And for the due adminiſtration of juſtice in ſaid county, *Be it enacted*, That the court for the ſaid county of Blount ſhall be held conſtantly by the juſtices of the ſaid county, on the ſecond Mondays in September, December, March, and June; and the juſtices for the ſaid county of Blount, are hereby authoriſed and empowered to hold the firſt court for the ſame at the houſe of Abraham Weir, and all the ſubſequent courts for ſaid county on the days above mentioned for holding courts therein, at any place to which the ſaid juſtices ſhall from court to court adjourn themſelves, until a court-houſe ſhall be built for ſaid county of Blount, and then all cauſes, matters and things depending in the ſaid court, and all manner of proceſs returnable to the ſame, ſhall be adjourned to ſuch court houſe; and all courts held in and for ſaid county of Blount, ſhall be held by commiſſion to the ſaid juſtices, in the ſame manner, and under the ſame rules and reſtrictions, and ſhall have and exerciſe the ſame powers and juriſdiction as are or ſhall be preſcribed for other courts held for the ſeveral counties in this Territory.

Sec. 4. *And be it enacted,* That the juſtices of the county courts of Knox and Blount ſhall appoint jurors to ſerve at the ſuperior courts of law and equity, for the diſtrict of Hamilton, as follows: The county of Knox twelve, and the county of Blount ſix. And the county of Blount ſhall compoſe part of the ſaid diſtrict in the ſame manner, and for all purpoſes civil and military, ſhall enjoy the ſame privileges as other counties in the Territory: *Provided,* nothing in this act contained, ſhall be ſo conſtrued as to prevent the ſheriff or collector of the taxes of the county of Knox from collecting the ſame, both public and county, within the limits of the ſaid county of Blount, for the year one thouſand ſeven hundred and ninety five, and the arrearages of taxes for the preceding years, in the ſame manner as if this act had not been paſſed.

Sec. 5. *And be it enacted,* That this act ſhall be in force and take effect from and after the ſecond day of Auguſt next.

CHAP. VII.

AN ACT *appointing commiſſioners to erect a court houſe, priſon and ſtocks in the county of Sevier, and to lay out and eſtabliſh a town in the ſame, and for altering the time of holding courts and appointing jurors to the ſuperior courts.*—(PASSED JULY 10, 1795)

WHEREAS the act appointing commiſſioners to erect a court houſe, priſon and ſtocks in the county of Sevier, has proved ineffectual—

Section 1. BE *it enacted by the Governor, Legiſlative Council, and House of Representatives of the Territory of the* United *States of America south of the river Ohio,* That Peter Bryan, Joſhua Giſt, Mordecai Lewis, and John Clack, be, and they are hereby appointed additional commiſſioners, to act in conjunction with the commiſſioners heretofore appointed by law for the purpoſe aforeſaid; and they, or a majority of them, are hereby required, as ſoon as may be, after the paſſing of this act, to agree and contract for twenty five acres of land in the county of Sevier, as near the centre thereof, as may be convenient; and alſo to agree and contract with workmen for the building and erecting thereon a court houſe, priſon and ſtocks, which when built, ſhall be and remain for the uſe of the ſaid county.

Sec. 2. *And be it enacted,* That the ſaid commiſſioners, before they ſhall enter upon their truſt, ſhall give bond, in the ſum of one thouſand dollars, payable to the governor and the commander in chief for the time being, and his ſucceſſors, conditioned for the faithful diſcharge of the truſt repoſed in them.

Sec. 3. And whereas it would tend much to the advantage of the inhabitants generally, to have a town eſtabliſhed on the land which ſhall be purchaſed or agreed for by the commiſſioners, for erecting the public buildings above mentioned:—*Be it enacted,* That the commiſſioners, appointed by this act, for the purpoſe of purchaſing twenty-five acres of land for the public buildings aforeſaid, be and they are hereby appointed commiſſioners for deſigning and laying the ſame off into a town; and as ſoon as they have ſo done, they ſhall cauſe the ſame to be laid off into half acre lots, with convenient ſtreets and allies, which lots, ſo laid off agreeably to the direction of this act, are hereby eſtabliſhed and erected into a town, and ſhall be called by the name of Sevierville.

Sec 4. *And be it enacted* That from and after the paſſing of this act, the commiſſioners above named, ſhall be, and they and every of them, are hereby conſtituted directors and truſtees for the deſignating, buildings, and laying out the ſaid town; and they ſhall ſtand ſeized of an indefeaſible eſtate in fee ſimple, of the ſaid twenty five acres of land, to and for the uſe, intent, and purpoſe hereby expreſſed; and they, or a majority ſhall have full power and authority to meet as often as neceſſary, and cauſe a plan of the ſame to be made, and thereon to inſert a mark or number to each lot, and as ſoon as the ſame ſhall be laid off as aforeſaid, the ſaid directors ſhall appoint a day, and give public notice of their intention of diſpoſing of the ſaid lots, which ſhall be at public ſale, to the higheſt bidder, at ſix months credit, the purchaſer giving bond with approved ſecurity, payable to the directors aforeſaid; and the ſaid directors, or a majority of them, ſhall make and execute deeds for granting and conveying the ſaid twenty five acres of land in half acre lots as aforeſaid to the purchaſers, their heirs and aſſigns for ever; and every perſon claiming any lot or lots by virtue of any ſuch conveyance, ſhall and may hold and enjoy the ſame in fee ſimple. *Provided*, that every grantee of any lot or lots in the ſaid town, ſhall, within two years next after ſuch conveyance for the ſame, erect, build, and finiſh on each lot, one well framed, ſquare logged brick or ſtone houſe, ſixteen feet ſquare at leaſt, and eight feet pitch in the clear, or proportionable to ſuch dimenſions; and if the owner of any lot or lots, ſhall fail to comply with the directions in this act preſcribed, for building and finiſhing a houſe thereon, ſuch lot or lots, upon which ſuch a houſe ſhall not be built and finiſhed as aforeſaid, ſhall be reveſted in the ſaid directors, and liable to be ſold and conveyed to any perſon applying for the ſame, under the ſame rules and regulations as the ſame was or were formerly granted; and the money ariſing from ſuch ſale, and the ſale of every lot as by this act directed, be applied to the uſe of the aforeſaid public buildings, and for the benefit and improvement of the ſaid town

Sect 5. *And be it enacted*, That from and after the next court to be held for the ſaid county of Sevier, that the courts ſhall be held the firſt Mondays in October, January, April, and July.

Sec. 6 *And be it enacted*, That from and after paſſing of this act, the ſaid county of Sevier ſhall furniſh ſeven jurors to the ſuperior court of law of Hamilton diſtrict.

Sec 7. *And be it enacted*, That ſo much of an act, entitled, " an act declaring the county of Sevier a part of the diſtrict of Hamilton, and apportioning the jurors to the ſeveral counties compoſing the ſaid diſtrict," as comes within the purview of this act, be, and the ſame is hereby repealed

CHAP. VIII.

AN ACT *for the eſtabliſhment of Waſhington College, in honor of the illuſtrious Preſident of the United States, at Salem, in Waſhington county.*

(PASSED JULY 8, 1795.)

WHEREAS the legiſlature of North Carolina eſtabliſhed an academy in Waſhington county, by the name of Martin academy; which has continued for ten or twelve years paſt, under the preſidency of the Rev. Samuel Doak, and has been of conſiderable utility to the public, and affords a proſpect of future uſefulneſs, if inveſted with powers and privileges appertaining to colleges:

Section 1. BE *it enacted by the Governor, Legiſlative Council and Houſe of Repreſentatives of the Territory of the United States of America ſouth of river Ohio,* That the Rev. Samuel Doak, Preſident, the Rev. Charles Cummins, Edward Crawford, John Colon, James Balch, Robert Henderſon, and Gideon Blackburn, Judge Joſeph Anderſon, General John Sevier, Colonels Landon Carter and Daniel Kennedy, Majors Leeroy Taylor and John Sevier, John Tipton, William Cocke, Archibald Roane, Joſeph Hamilton, John Rhea, Samuel Mitchell, Jeſſe Payne, James Aiken, and William Charles Cole Claiborne, eſquires, Doctors William Holt and William Cheſter, Meſſeurs David Deaderick, John Waddill, jun. Alexander Matthews, John Nelſon, and John M'Colliſter ſhall, and they are hereby declared to be a body politic and corporate, by the name of the Preſident and Truſtees of Waſhington College, at Salem, in Waſhington county; and ſhall have perpetual ſucceſſion and a common ſeal; that they and their ſucceſſors, or the preſident and any ſix or more of them, by the name aforeſaid, ſhall have, and they are hereby inveſted with the legal powers and capacity, to buy, receive, poſſeſs, alien, and diſpoſe of, any property or monies for the uſe and benefit of the college; and may ſue and be ſued, commence and proſecute any legal proceſs or proceſſes, and have the like inſtituted againſt them, in any court of record in the moſt ample manner.

Sec. 2. *And be it enacted,* That the preſident of the college, with any ſix of the truſtees who may be preſent, ſhall be a board of truſtees adequate to the tranſaction of buſineſs; and in the abſence of the preſident, any ſeven of the truſtees, being met upon their own adjournment, may chuſe a vice preſident, to act during ſuch abſence; and that the preſident or vice preſident, and each of the truſtees, before his entrance upon the execution of his office, ſhall take an oath before ſome juſtice of the peace for the county of Waſhington faithfully to execute their reſpective offices, which ſhall be entered on the records of the college; and that the preſident or any of the truſtees ſhall have a right at any time to reſign his office, by ſignifying ſuch reſignation in writing to the board of truſtees; and the board ſhall have power to remove from office, the preſident, vice preſident, or any of the truſtees, when they may think proper; fill up any vacancies which may happen in the board, through the death, reſignation, or removal of members, by electing others in their room.

Sec. 3. *And be it enacted,* That the board of truſtees ſhall have full power to appoint a ſecretary, treaſurer, profeſſors, tutors, and all neceſſary officers for conducting the concerns of the college; and to diſplace and ſupercede them at pleaſure. They ſhall have power to meet upon their own adjournments, or upon a citation from the preſident or vice preſident, to examine the proficiency of the ſtudents, to confer the literary degrees of bachelor and maſters of arts, to erect neceſſary buildings, to make laws for the government of the college, and for promoting morality and virture amongſt the ſtudents, provided they be conſiſtent with the laws of the United States; and they ſhall take effectual care that the advantages of a liberal education and honors of the college ſhall be equally acceſſible to ſtudents of all denominations.

Sec 4. *And be it enacted*, That the preſident, vice preſident profeſſors, tutors, and ſtudents of ſaid college ſhall be exempted from all military duty during their continuance as members of the college, except in a general invaſion of this Territory.

Sec. 5. *And be it enacted*, That the preſident and truſtees of ſaid college, and their ſucceſſors, ſhall be and they are hereby veſted with a a legal right to poſſeſs, hold, alien and diſpoſe of any property belonging to Martin academy, and apply the ſame to the uſe of the ſaid college.

CHAP. IX.

AN ACT *eſtabliſhing a town in Sullivan county, by the name of Blountville*—(PASSED JULY 10, 1795)

WHEREAS James Brigham, of the county of Sullivan, in the year one thouſand ſeven hundred and ninety one, conveyed thirty acres of ground to John Anderſon, George Maxwell, and Richard Gammon, as commiſſioners, for erecting a court houſe, priſon and ſtocks, in and for the ſaid county, to be laid out into a town for the benefit of the county—And whereas the ſaid John Anderſon, George Maxwell, and Richard Gammon have cauſed the ſaid thirty acres of land to be laid out into a town by the name of Blountville, and diſpoſed of ſundry of the lots according to the intention of the donor—

Section 1. BE *it enacted by the Governor, Legiſlative Council, and Houſe of Repreſentatives of the Territory of the United States of America ſouth of the river Ohio*, That the ſaid thirty acres of ground ſhall continue to be a town, agreeably to the plan of the ſaid John Anderſon, George Maxwell, and Richard Gammon, by the name of Blountville; and that the deed of conveyance from the ſaid James Brigham to the ſaid John Anderſon, George Maxwell and Richard Gammon for the thirty acres of land, although made without value received, ſhall be good and valid in law to them and their ſucceſſors in office, for the purpoſe for which the ſaid James Brigham conveyed the ſame.

Sec. And whereas George Maxwell, one of the commiſſioners, hath removed from the county of Sullivan, and whereas it is requiſite that his place ſhould be ſupplied, and an additional number of commiſſioners be appointed—*Be it therefore enacted*, That in addition to the ſaid John Anderſon and Richard Gammon, who are hereby declared to be continued commiſſioners, James Gaines ſhall be a commiſſioner in the place and ſtead of George Maxwell, and John Shelby, jun. John Anderſon, jun. David Perry, Joſeph Wallace, and George Rutledge be appointed in addition, with full power and authority as commiſſioners, veſted with the ſaid thirty acres of land, laid off as aforeſaid in a town, to regulate the ſaid town, and diſpoſe of ſuch lots as have not already been ſold, and apply the money ariſing from the ſale for the purpoſes for which the ſaid thirty acres were originally given and conveyed by the ſaid James Brigham.

Sec 3 *And be it enacted*, That the two lots reſerved and appropriated by the ſaid John Anderſon, George Maxwell, and Richard Gammon for the purpoſe of erecting thereon a court houſe, priſon and ſtocks of the ſaid county, ſhall forever continue to the uſes for which they, the ſaid commiſſioners reſerved and appropriated the ſame.

Sec 4. *And be it enacted*, That the ſaid John Anderſon, Richard Gammon, James Gains, John Shelby, jun. John Anderſon jun. David Perry, Joſeph Wallace and George Rutledge, commiſſioners as aforeſaid, ſhall alſo be commiſſioners for completing and keeping in repair the court houſe, priſon and ſtocks of the ſaid county of Sullivan, and be held accountable to the court of ſaid county in the manner as other commiſſioners for erecting public buildings are held accountable for all monies by them received and expended.

CHAP. X.

An ACT *appointing commiſſioners for regulating the town of Greeneville, in the county of Greene*—(PASSED JULY 10, 1795.)

Sec. 1 BE *it enacted by the Governor Legiſlative Council and Houſe of Repreſentatives of the Territory of the United States of America ſouth of the river Ohio*, That Daniel Kennedy, Hugh Nelſon, David Ruſſel, Joſeph Hardin, George Conway, John Geſs, and Robert Campbell, or a majority of them, be, and are hereby appointed commiſſioners of the town of Greeneville, in Greene county; and they ſhall ſtand ſeized of an indefeaſible eſtate of the land heretofore by law laid out for the uſe of the ſaid town, to and for the uſes and purpoſes expreſſed and declared, in as full and ample manner as any commiſſioners of ſaid town, heretofore by law appointed, were ſeized.

Sec 2 *And be it enacted* That the ſaid commiſſioners ſhall and may take upon them the regulation and managemant of the ſaid town, having regard to the manner and form the ſame hath heretofore been laid out by any former commiſſioners by law appointed for that purpoſe.

Sec. 3 *And be it enacted*, That from and after the paſſing of this act, the commiſſioners aforeſaid ſhall be, and they and every of them are hereby conſtituted directors and truſtees for the deſigning and improving the town aforeſaid. They or a majority of them ſhall have power to meet as often as they may think neceſſary for ſuch purpoſe, and may cauſe a plan of the ſaid town to be made, and therein inſert the mark or number of each lot.

Sec. 4 *And be it enacted*, That the ſaid truſtees, or a majority of them, ſhall make and execute deeds for conveying in lots as heretofore by law laid out, the lands belonging to the town aforeſaid, and which have not heretofore been conveyed, in fee ſimple, to ſuch perſon or perſons their heirs or aſſigns as heretofore have or hereafter may purchaſe any lot or lots in the ſaid town, which deeds of conveyance ſhall have the ſame force and effect, and be and enure to the perſon or perſons claiming title thereby, as deeds of conveyance of a ſimilar nature, to them and each of them, their heirs or aſſigns.

CHAP. XI.

AN ACT *to repeal ſo much of an act, entitled,* An act to regulate and aſcertain the ſeveral officers fees therein mentioned" paſſed at Knoxville, the 29th day of September, 1794, *as reſpects the fees of the clerks and maſters of the courts of equity, and eſtabliſhing other fees in their ſtead*—(PASSED JULY 11, 1795)

WHEREAS by the above recited act the fees allowed the clerks and maſters of the courts of equity are found to be inadequate to the ſervices by law required—

Section 1 BE *it enacted by the Governor, Legiſlative Council, and Houſe of Repreſentatives of the Territory of the United States of America ſouth of the river Ohio* That ſo much of the act of the General Aſſembly paſſed at Knoxville, the twenty ninth day of September, one thouſand ſeven hundred and ninety four, entitled, "An act to regulate and aſcertain the ſeveral officers fees therein mentioned," as reſpects the fees in the courts of equity, be and is hereby repealed; and that from and after the paſſing of this act, the clerks and maſters of the courts of equity ſhall take and receive the following and no greater fees, for the following ſervice, to wit For a report on an anſwer, forty cents; on a plea and anſwer, forty cents; on a demurer and anſwer, forty cents; for an affidavit to a bill, or anſwer, twenty five cents; for a ſeparate affidivit, twenty five cents; for a copy, by the office copy ſheet, twenty five cents; for a report, ſtating an account, one per cent on the amount of each account exhibited; when the amount does not exceed two hundred pounds, and one half per cent on all ſums over two hundred pounds; for copies of proceedings and exemplifications, copy ſheet, twenty five cents; for enrolling bills, or anſwers, by the copy ſheet, twenty five cents; copies of bills or anſwers, by the copy ſheet, twenty five cents; for every injunction, one dollar and fifty cents; for every ſubpœna to anſwer, writ, or other leading proceſs, one dollar and twenty five cents; for every ſcire facias ſeventy five cents; for entering a plea or demurer, twenty five cents; for recording depoſitions to perpetuate teſtimony by the copy ſheet, twenty five cents; for every rule given for ſervice, twenty five cents; for every rule not for ſervice, fifteen cents; for every dedimus poteſtatem, fifty cents; for commiſſions to take the affidavit of the parties to an anſwer, one dollar; for every ſubpœna to cauſe witneſſes to appear before the clerk and maſter to have their depoſition taken, each twenty five cents; for every ſubpœna to appear in court on trial of any iſſue of fact, each twenty five cents; for every order of publication iſſued, to be inſerted in any of the gazettes, one dollar; for entering every iſſue of fact, impannelling the jury, receiving and recording the verdict, and other circumſtances attending the trial by jury, one dollar; for each ſecurity taken for proſecution, twenty five cents; for recording proſecution bond, fifteen cents; for iſſuing an order to the ſheriff, or ſubpœna for each ſurveyor or juryman to attend on the primiſes on a diſputed claim of land, twenty five cents; for drawing decrees by the copy ſheet, twenty five cents; for enrolling decree by the copy ſheet, twenty five cents; for drawing deeds of conveyance when decreed for the parties to convey the right, reciting the ſuit, and other circumſtances relative thereto, two dollars; for every notice iſſued, not for publication, twenty five cents; for ſearching the record out of the court, twenty five cents; for every diſmiſſion twenty five cents; for every continuance, after the firſt court to which the proceſs is returnable, twenty five cents.

CHAP. XII.

AN ACT *limitting the time of attendance of grand jurors at each and every of the ſuperior courts of law, and of the attendance of conſtables at the ſeveral courts of pleas and quarter ſeſſions.* (PASSED JULY 10, 1795.)

Section 1. BE *it enacted by the Governor, Legiſlative Council and Houſe of Repreſentatives of the Territory of the United States of America ſouth of the river Ohio* That after paſſing of this act grand jurors ſhall not attend at any of the ſaid ſuperior courts of law, more days in each term than ſix, to commence on the firſt day of ſuch term.

Sec. 2. *And be it enacted,* That the juſtices in each county in this Territory ſhall, at the preceding court of pleas and quarter ſeſſions, order and direct the ſheriff to ſummon, ten days at leaſt before the next ſucceeding court, two conſtables to attend during the continuance of ſuch court in each county. The juſtices of the courts ſhall arrange the number of conſtables in each county reſpectively, that there ſhall be other two conſtables ſummoned to attend each court, and who ſhall not be obliged to attend any other court until all the conſtables in the county in like manner, in rotation, have attended, which ſervice of the conſtables as aforeſaid, ſhall be conſidered as of office, and no fees for the ſame be allowed.

Sec. 3. *And be it enacted,* That if any ſheriff ſhall fail to perform the duty enjoined as aforeſaid, he ſhall be fined in any ſum not exceeding twenty dollars, for which the juſtices of the court may order execution to iſſue. And if any conſtable, being duly ſummoned, does fail to attend as aforeſaid, he ſhall be fined in any ſum not exceeding ten dollars, for which the juſtices of the court may order execution to iſſue.

Sec 4. *And be it enacted,* That all and every law and clauſe of law within the purview of this act, be and is hereby repealed.

CHAP. XIII.

AN ACT *to appoint commiſſioners for the regulation of* Clarkſville, *in* Tenneſſee *county.*—(PASSED JULY 10, 1795.)

WHEREAS by the death and removal of a majority of the commiſſioners appointed for Clarkſville in the county of Tenneſſee, under an act of the ſtate of North Carolina, great diſadvantages and injuries have ariſen for want of proper regulation of ſaid town:

BE *it enacted by the Governor, Legiſlative Council and Houſe of Repreſentatives of the Territory of the United States of America ſouth of the river Ohio,* That Anthony Crutcher, Robert Nelſon, Hugh Bell, Robert Dunning and James Adams, be, and they are hereby appointed commiſſioners of ſaid town of Clarkſville, and are inveſted with the ſame powers as were given and granted to the commiſſioners of ſaid town by the General Aſſembly of North Carolina.

CHAP. XIV.

AN ACT *to alter and eſtabliſh a line between the counties of Jefferſon and Sevier on the ſouth ſide of French Broad river.*—(PASSED JULY 10, 1795)

BE *it enacted by the Governor Legiſlative Council and House of Repreſentatives of the Territory of the United States of America south of the river Ohio* That from and after paſſing of this act, the line that divides the aforeſaid counties of Jefferſon and Sevier, on the ſouth ſide of French Broad river, ſhall begin on ſaid river at the lower end of Hubber 's Iſland, thence a direct line to where the dividing ridge that divides the waters of Flat Creek from the waters of Peerey's creek interſects ſaid river, thence with ſaid ridge to the ridge that divides the waters of Flat creek from the waters of Muddy creek, thence with that ridge to the ridge that divides the waters of Little Pigeon from the waters of French Broad and Big Pigeon, to the eaſtern boundary of this Territory.

CHAP. XV.

AN ACT *to ſuſpend the operation of an act entitled.* " An act for the relief of ſuch perſons as have been diſabled, by wounds or rendered incapable of procuring for themſelves and families ſubſiſtence in the militia ſervice of this Territory, and providing for the widows and orphans of ſuch as have died."——(PASSED JULY 10, 1795.)

BE *it enacted by the Governor, Legiſlative Council and Houſe of Repreſentatives of the Territory of the United States of America South of the river Ohio,* That the operation of an act, entitled " An act for the relief of ſuch perſons as have been diſabled by wounds, or rendered incapable of procuring for themſelves and families ſubſiſtence, in the militia ſervice of this Territory, and providing for the widows and orphans of ſuch as have died," paſſed on the the twenty ſeventh day of September, in the year one thouſand ſeven hundred and ninety four, be, and the ſame ſhall be ſuſpended, after paſſing this act, for and until the firſt day of December, which ſhall be in the year one thouſand ſeven hundred and ninety ſeven, and from thence until the end of the next ſucceeding aſſembly.

WILLIAM BLOUNT Governor.
GRIFFITH RUTHERFORD, P. L. C.
JOSEPH HARDIN, S. H. R.

A C T S

PASSED AT THE FIRST SESSION OF THE FIRST GENERAL ASSEMBLY OF THE STATE OF TENNESSEE,

BEGAN AND HELD AT KNOXVILLE, ON MONDAY THE TWENTY-EIGHTH DAY OF MARCH, ONE THOUSAND SEVEN HUNDRED AND NINETY SIX.

CHAPTER I.

An ACT *aſcertaining the number of Judges of the Superior Courts of law and equity, and fixing their ſalaries and directing their qualification to office.*——(PASSED APRIL 9, 1796.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That there ſhall be three judges of the ſuperior courts of law and equity in this ſtate, any one or more of whom are hereby authoriſed and empowered to hold any of ſaid courts And it ſhall be the duty of each and every of the ſaid judges to attend each and every term; and in caſe of failure ſo to attend, without ſufficient cauſe for ſuch failure be ſhewn, it ſhall be deemed a miſdemeanor in office.

Sec. 2. *Be it enacted*, That no perſon ſhall be eligible to, or exerciſe the office of judge of any of the ſaid courts, who has not been an inhabitant of this ſtate three years immediately preceding the time of his appointment to ſaid office—*Provided*, nothing in this act contained, ſhall be conſtrued ſo as to exclude from being eligible to ſaid office, any perſon who was an inhabitant of this ſtate, at the time of making the conſtitution thereof.

Sec. 3. *Be it enacted*, That each and every of the ſaid judges, before they act as ſuch, ſhall in open court, or before the governor for the time being, take the following oaths:

" I, *A. B* do ſolemnly ſwear, that I will ſupport the conſtitution of the United States of America. *So help me God.*

I, *A B* do ſolemnly ſwear that I will ſupport the conſtitution of the ſtate of Tenneſſee. *So help me God.*

I, *A. B* do ſolemnly ſwear, that I will well and truly ſerve the ſtate of Tenneſſee in the office of judge of the ſuperior court of law and equity of the ſaid ſtate. I will do equal law and right to all perſons, rich and poor, without having regard to any perſon. I will not wittingly or willingly take by myſelf, or by any other perſon, any fee, gift, gratuity or reward whatever, for any matter or thing by me to be done, by virtue of my office, except the ſalary by law appointed I will not maintain by myſelf, or by any other, privately or openly, any plea or quarrel depending in any of the ſaid courts. I will not delay any perſon of common right, by reaſon of any letter or command from any perſon or perſons in authority to me directed, or for any other cauſe whatſoever; and in caſe any letters or orders come to me contrary to law, I will proceed to enforce the law, ſuch letters or orders notwithſtanding. I will not give my voice for the appointment of any perſon to be clerk of any of the ſaid courts, but ſuch of the candidates as appear to me ſufficiently qualified for that office; and in all ſuch appointments I will nominate without reward, the hope of reward, prejudice, favour, partiality, or any other ſiniſter motive whatſoever; and finally, in all things belonging to my office, during my continuance therein, I will faithfully, truly, and juſtly, according to the beſt of my ſkill and judgment, do equal and impartial juſtice, to the public and to individuals. *So help me God.*

And if any of the ſaid judges ſhall preſume to act in his office, before he ſhall have taken the oaths hereby directed, he ſhall forfeit and pay two thouſand dollars. to be recovered by action of debt in any of the ſuperior courts, one half to the uſe of the ſtate, and the other half to the perſon or perſons who will ſue for the ſame.

Sec. 4. *Be it enacted*, That each one of the ſaid judges ſhall receive the ſum of eighty three dollars and thirty three and one third cents, for each term of any of the ſaid courts he may attend: *Provided*, he ſhall continue to attend the whole term in the exerciſe of his office. And in caſe he ſhall fail to attend during any part thereof, a deduction ſhall be made from the amount of his compenſation as aforeſaid, in proportion to the time he ſhall ſo fail to attend, compared with the whole term of ſaid court; and in either caſe, it ſhall be aſcertained by the clerks of the ſaid courts reſpectively, whoſe duty it ſhall be to certify the ſame, together with the days of attendance, on the certificate of the ſaid judge or judges, to be filed in his office, under his hand and ſeal, upon which certificate the treaſurer is hereby authoriſed to pay the ſum which thereby ſhall appear to be due to the ſaid judge or judges.

Sec. 5. *Be it enacted*, That the clerk of each of the ſaid courts, ſhall, each day of any term of any of the ſaid courts, enter on the minutes of ſaid courts reſpectively, the name or names of the judge or judges who ſhall be preſent at meeting thereof; and on failure it ſhall be deemed a miſdemeanor in office. And if any clerk ſhall give a certificate contrary to the true intent and meaning of this act, ſuch clerk ſo offending, ſhall pay the ſum of five hundred dollars, one half to the uſe of the diſtrict. the other half to the perſon or perſons who may ſue for the ſame; and ſuch clerk ſhall forever after be rendered incapable of holding any civil or military office in this ſtate.

Sec. 6. *Be it enacted*, That each term of any of the ſaid courts may continue during the ſpace of fifteen juridical days, unleſs the buſineſs ſhall be ſooner ended, in which caſe the time employed ſhall be deemed the term.

CHAP. II.

AN ACT *directing the mode of the qualification of the Secretary of State* (*into office.*—PASSED APRIL 9, 1796.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the ſecretary of this ſtate, before he enters on the performance of the duties of his office, ſhall enter into bond, with two or more ſufficient ſureties, in the penal ſum of twenty thouſand dollars, payable to the governor for the time being, and his ſucceſſors in office, for the uſe of the ſtate, which bond ſhall be lodged in the office of the clerk of the ſuperior court of Hamilton diſtrict; and ſhall be the duty of ſaid clerk to keep the ſame, and produce it when called for by the legnature, conditioned for his faithful performance agreeably to the conſtitution, and of the duties enjoined on him by law ; and ſhall alſo take the following oaths : I. *A B*. do ſolemnly ſwear, that I will ſupport the conſtitution of the United States of America, *So help me God.*

I. *A B* do ſolemnly ſwear, that I will ſupport the conſtitution of the ſtate of Tenneſſee. *So help me God.*

I, *A. B* do ſolemnly ſwear, that I will faithfully execute the office of ſecretary of the ſtate of Tenneſſee, agreeably to the conſtitution thereof, and that I will faithfully perform the duties enjoined on me by law, according to the beſt of my knowledge and abilities. *So help me God.*

CHAP. III.

AN ACT *to provide for the ſafe keeping of the acts and records of this ſtate.*—PASSED APRIL 20, 1796

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That it ſhall be the duty of the ſecretary of ſtate to keep a fair regiſter of all the official acts and proceedings of the governor, and ſhall, when required, lay the ſame, and all papers, minutes and vouchers relative thereto, before the general aſſembly, at every ſeſſion.

Sec. 2. *Be it enacted* That whenever a bill ſhall be paſſed by the general aſſembly, and having been ſigned by the ſpeaker of each houſe, ſhall become a law, it ſhall forthwith thereafter be received by the ſaid ſecretary, and he ſhall as ſoon as conveniently may be, after he ſhall receive the ſame, make out and deliver an atteſted copy thereof to the printer, that publication be made ; and he ſhall collate the printed copy with the originals, and he ſhall carefully preſerve and keep the originals, and ſhall cauſe the ſame to be recorded in books for that purpoſe.

Sec. 3 *Be it enacted* That it ſhall be the duty of the ſaid ſecretary to receive into his ſafe keeping, all bonds for performance given by public officers to the governor for the time being, for the uſe of the ſtate, which by law ſhall be directed to be lodged in his office, and to lay the ſame before the general aſſembly when required, to record the ſame in books for that purpoſe, and to give atteſted copies thereof agreeable to law.

Sec. 4 *Be it enacted*, That the ſaid ſecretary ſhall make out and affix the ſeal of the ſtate to all commiſſions iſſued by the governor, except thoſe commiſſions to which the governor ſhall affix the ſaid ſeal, and ſhall enter in books for that purpoſe, the names, rank and dates of ſaid commiſſions ; but he ſhall not affix it to any commiſſion before the ſame ſhall have been ſigned by the governor, nor to any other inſtrument or act, without the ſpecial warrant of the governor.

Sec. 5. *Be it enacted*, That the governor ſhall cauſe a ſeal of this ſtate to be provided ; and all copies of records and papers in the ſaid office, authenticated under the ſaid ſeal, ſhall be evidence equally as the original record or paper.

Sec. 6 *Be it enacted*, That any citizen ſhall be entitled, if he requires the ſame, to have an atteſted copy of any act, record, or paper in the office of the ſecretary, on paying the fees in this act directed, except ſuch papers as ſhall relate immediately to the executive department, and which in the judgment of the governor, ſhall require ſecrecy.

Sec 7. *Be it enacted*, That there ſhall be paid to the ſaid ſecretary, for the uſe of the ſtate, the following fees of office, by the perſon requiring the ſame to be done, except when they are performed for any officer of the ſtate in a matter relating to the duty of his office, viz For making out and atteſting copies of records ſeventeen cents for each ſheet containing one hundred words, and for authenticating the ſame, by affixing thereto the ſeal of office, if required, one dollar.

Sec. 8 *Be it enacted*, That there ſhall be paid to the ſaid ſecretary, by the perſon or perſons requiring the ſame to be done, as perquiſite of office, the following fees, that is to ſay—For affixing the ſeal of the ſtate to any paper or inſtrument of writing, foreign to the records or papers of the ſaid office, one dollar.

Sec. 9. *Be it enacted*, That books and other ſtationary ſhall be provided for the office of the ſaid ſecretary at the expence and charges of the ſtate.

Sec. 10. *Be it enacted*, That the ſum of four hundred dollars ſhall be allowed and paid yearly and every year to the ſaid ſecretary, in compenſation for his ſervices in performing the duties enjoined on him, which ſum ſhall be paid at the treaſury in half yearly payments, and his receipt or receipts to the treaſurer ſhall be a voucher for the ſame.

Sec. 11. *Be it enacted*, That the ſaid ſecretary ſhall keep his office at the ſeat of government.

CHAP. IV.

AN ACT *to amend an act entitled, "An act for the promotion of learning in the county of Davidſon"*—(PASSED APRIL 15, 1796)

Section 1 BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That in addition to the truſtees of Davidſon academy, Thomas Johnſton William Fort, James Ford, Thomas Donald, Edward Douglaſs, Moſes Fiſk, Seth Lewis, Joel Lewis, James Hoggat, and John Gordon, be, and they are hereby appointed truſtees of ſaid academy

Sec. 2. *Be it enacted*, That Thomas Hardeman, David Shelby, and Stephen Cantrell, be, and they are hereby appointed auditors, with whom the former truſtees of Davidſon academy ſhall account, within three months, and by ſufficient vouchers ſhew the ſtate of the funds of ſaid academy; and the ſaid auditors ſhall make a fair report of the ſaid ſettlement to the next general aſſembly.

Sec. 3 *Be it enacted*, That if the ſaid truſtees, or either of them, ſhall refuſe to render a true ſtatement of the funds of ſaid academy, the ſaid auditors ſhall be, and they are hereby authoriſed to commence ſuit or ſuits againſt them or either of them, in the name of the aforeſaid auditors; and it ſhall be the duty of the attorney general to proſecute ſuch ſuit or ſuits in behalf of the ſaid auditors; and ſuch truſtee or truſtees againſt whom ſuit ſhall be brought as aforeſaid, ſhall thenceforward be diſmiſſed from the board of truſtees; and the remaining truſtees ſhall have the ſame powers, rights, and privileges that are by law veſted in the whole board.

Sec 4 *Be it enacted*, That the buildings of the ſaid academy ſhall be erected on the moſt convenient ſituation, on the hill immediately above Naſhville, and near to the road leading to Buckhannan's mill; and that the truſtees aforeſaid ſhall proceed to erect buildings, and employ tutors to proceed to the buſineſs of tuition, as ſoon as the funds will permit.

CHAP. V.

AN ACT *to repeal part of the ſixth ſection of an act, entitled, "An act, aſcertaining what property in this Territory ſhall be deemed taxable property," paſſed September 30th* 1794.—(PASSED APRIL 23, 1796.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That part of the ſixth ſection of an act, entitled, "An act aſcertaining what property in this Territory ſhall be deemed taxable property," paſſed September the thirtieth, one thouſand ſeven hundred and ninety four, which declares, that every perſon failing or neglecting to attend and return inventories of his or her taxable property, in manner deſcribed in ſaid act, ſhall forfeit and pay the ſum of one hundred and twenty five dollars, is hereby repealed and made void.

Sec. 2. *Be it enacted,* That all and every fine or fines, which have heretofore accrued by virtue of the ſaid ſection, is and are hereby releaſed and declared remitted, in as full and ample manner as if the ſame had never been incurred, any law, uſage, or cuſtom to the contrary notwithſtanding. And in any caſe where a judgment has been entered for the ſaid fine and double tax, ſuch judgment is ſuſpended, ſo far as it reſpects the double tax in ſaid act mentioned, and coſts, until the firſt day of January, one thouſand ſeven hundred and ninety ſeven; and ſuch fine is altogether releaſed, and no judgment ſhall hereafter be entered againſt any collector of public tax, for any default in the execution of his office aforeſaid, ſo far as the fine or fines ſtand releaſed and remitted, and judgment for double tax ſuſpended as in this act mentioned, any law, uſage, or cuſtom to the contrary notwithſtanding.

Sec. 3. *Be it enacted,* That in all caſes in future, where there ſhall not be any perſonal goods on which the collector can diſtreſs for public taxes, he ſhall report the ſame to the court of the county, and the court ſhall forthwith direct the clerk to make a certificate of the lands and tenements liable to taxation and payment thereof, and ſhall cauſe the ſame, together with the amount of taxes and coſts for which the land may be liable to be ſold, to be publiſhed in the Knoxville Gazette three times at leaſt; for which publication the printer ſhall be allowed the ſum of ſixty ſix cents for each time he ſhall publiſh the ſame. And if no perſon ſhall pay the ſaid taxes, together with all coſts and charges, within forty days after the laſt publication, judgment ſhall be entered up, but execution thereon ſhall not be iſſued but by ſpecial directions of the court; and ſuch execution may be ſuſpended at the diſcretion of the court.

Sec. 4. *Be it enacted,* That when execution iſſues to expoſe to ſale any lands and tenements, the lands and tenements liable to taxation, or ſo much thereof as will be ſufficient to pay the ſaid tax, and all coſts and charges thereon accruing; and no ſheriff in future ſhall in ſuch caſe expoſe to ſale any lands and tenements, unleſs he ſhall advertiſe the ſame at the court houſe of his county, and four other public places therein, at leaſt forty days prior to ſuch ſale; and no ſale of any lands ſhall be made, but at the court houſe of the county wherein the land ſhall be, any law, uſage or cuſtom to the contrary notwithſtanding.

CHAP. VI.

An ACT *to eſtabliſh of a Treaſury Department.* PASSED APRIL 13, 1796.

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That there ſhall be two treaſurers, one for the diſtricts of Waſhington and Hamilton, who ſhall keep his office at Knoxville, and one for the diſtrict of Mero, who ſhall keep his office at Naſhville.

Sec. 2. *Be it enacted* That it ſhall be the duty of the treaſurer for the diſtricts of Waſhington and Hamilton to receive the monies of the ſtate within the ſaid diſtricts of Waſhington and Hamilton, and to diſburſe the ſame agreeably to law, to keep regular and correct accompts of all the monies he receives or pays away and to cauſe the ſame to be laid before the general aſſembly, at each and every ſeſſion, within ſix days after the commencement thereof And it ſhall be the duty of the treaſurer of Mero to receive the monies of the ſtate within ſaid diſtrict of Mero and to diſburſe the ſame agreeable to law, and in like manner to keep regular and correct accompts of all the monies he receives and pays away. and cauſe the ſame to be laid before the general aſſembly, at each and every ſeſſion, within ſix days after the commencement thereof. It ſhall alſo be the duty of the ſaid treaſurer to keep regular accompts with all holders and collectors of monies for the uſe of the ſtate; it ſhall alſo be his duty to cauſe all monies in the ſaid Mero treaſury to be delivered into the treaſury at Knoxville, within ſix days after the meeting of each general aſſembly and the receipt of the treaſurer of the diſtricts of Waſhington and Hamilton ſhall be received in the ſettlement with the treaſurer of Mero diſtrict.

Sec 3 *Be it enacted* That each treaſurer, previous to the entering on the duties of his office, ſhall enter into bond and ſecurity, payable to the governor for the time being or his ſucceſſor in office, for the uſe of the ſtate. in the penal ſum of twenty thouſand dollars; which bond ſhall be lodged with the ſecretary of ſtate conditioned for the faithful diſcharge of the duty of his or their office; and it ſhall be the duty of the ſecretary of ſtate to keep ſaid bonds, and produce them when called on by the legiſlature; and each of ſaid treaſurers ſhall alſo take an oath to ſupport the conſtitution of the United States of America, and alſo an oath to ſupport the conſtitution of the ſtate of Tenneſſee; and alſo the following oath, viz. "I, *A B.* do ſolemnly ſwear, (or affirm as the caſe may be) that I will faithfully execute the office of treaſurer agreeable to law, according to the beſt of my ſkill and ability. *So help me God.*

Sec. 4. *Be it enacted,* That the ſalaries of each of the treaſurers, to be appointed according to the intent of this act, ſhall be paid them by an allowance of three per cent. on all monies received and diſburſed as herein directed, to be allowed them in the ſettlement of their accompts; which ſettlements ſhall be made at each ſeſſion of the general aſſembly, except when convened by the governor, except ſuch monies as ſhall be paid out of one treaſury into the other, on which no per cent. ſhall be allowed by the treaſurer who receives it.

Sec. 5. *Be it enacted.* That books and other neceſſary ſtationary ſhall be furniſhed by the ſtate.

Sec 6. *Be it enacted.* That it is, and ſhall be the duty of the ſaid treaſurers to commence ſuits in the name of the ſtate, againſt any holders or collectors of public monies as aforeſaid, who ſhall fail to account with and pay to the treaſurer of his diſtrict, ſuch monies agreeable to law.

Sec. 7. *Be it enacted*, That it ſhall be the duty of the preſent treaſurers to deliver to their ſucceſſors in office all public monies that may be in their hands, and all books and papers relative to ſaid office.

CHAP. VII.

AN ACT *to repeal an act, entitled, "An act to regulate and aſcertain the ſeveral officers fees therein mentioned" paſſed at Knoxville the 10th day of September 1794, and alſo to repeal ſo much of the act, entitled, "An act to amend an act paſſed at Newbern in December 1785 ſo far as reſpects the attornies fees, in the ſeveral courts of law and equity, and to eſtabliſh the fees of the ſeveral officers herein after named."*

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the clerk of the ſuperior courts of law ſhall receive for every leading proceſs, returnable to the firſt court, including all ſervices thereon, together with the diſmiſſion, or final judgment, where either happens, one dollar —For every continuance or reference of every cauſe after the ſecond court, including all fees for every neceſſary ſervice, forty cents —For entering every preſentment or indictment, together with charging the priſoner and entering his plea, ſixty cents. For the court at which the cauſe is determined, including all fees for every neceſſary ſervice thereon, and entering final judgment, incluſive, one dollar and ſixty cents —For every ſubpœna, provided the party inſert no more than four witneſſes in the ſame, twenty cents —For every execution or order of ſale, when neceſſarily iſſued and returned, including all ſervices thereon, with taxing coſts, and copy, and entering ſatisfaction, forty cents —For every ſcire facias againſt bail, with making an iſſue thereon, or entering judgment without plea, including fees for every ſervice neceſſary thereon, provided that the party caſt ſhall not be ſubject to this, unleſs the ſcire facias is requiſite and required by the plaintiff eighty cents.— For getting a copy of the record of any cauſe, when demanded by either of the parties, ſixty cents.—For every recognizance, twenty cents.—For every order or rule of court, made on matters foreign to the ſuit depending in court, and copy thereof, when demanded, twenty four cents.—For ſearching a record out of court, ten cents —For a commiſſion to take the examination of *a feme covert*, or witneſſes in any cauſe depending, entering the return thereon, and all other ſervices neceſſary thereon, twenty cents.—For a ſpecial venire facias in an action of ejectment, or where the bounds of land ſhall come in queſtion, when the ſaid writ ſhall be iſſued, eighty cents.—For a ſpecial verdict, demurer, or motion in arreſt of judgment and argument thereon, forty cents.—For a writ of error, certiorari, or appeal, with a tranſcript of the record, and all ſervices thereon, one dollar and ſixty cents —For making certificates of witneſſes or jurymen's attendance, ſix cents.—For each ſecurity taken in iſſuing a writ, twenty cents.—For recording ſaid bond, twenty cents.

To the clerks of the county court of pleas and quarter ſeſſions.——For every leading proceſs, returned to the firſt court, including all ſervices, together with diſmiſſion, or final judgment, where either happens, one dollar.—For every preſentment or indictment, charging the priſoner, and entering his plea, ſixty cents.—For entering and filing every recognizance, twenty cents.—For every continuance or reference of any cauſe after the ſecond court, including all fees for every neceſſary ſervice thereon, forty cents.—For the court at which the cauſe is determined, including all ſervices, one dollar.—For every ſubpœna, provided the party inſert no more than four witneſſes in the ſame, twenty cents. For every execution or order of ſale, when neceſſarily iſſued, including all ſervices thereon, with taxing coſts, and copy, and entering ſatisfaction, forty cents.—For every *ſcire facias* againſt bail, with making up an iſſue thereon, or entering judgment without plea, including fees for every ſervice neceary thereon, provided that the party paying coſts ſhall not be ſubject to this, unleſs the *ſcire facias* is neceſſary, and required by the plaintiff, eighty cents—For a copy of the record of any cauſe, when demanded by either of the parties, ſixty cents —For every order or rule of court, made on matters foreign to the ſuit depending in court, and copy thereof, if demanded, twenty five cents.—For entering on the minutes the probate of wills, qualifying executors, making certificates, recording the will, and giving copy thereof, one dollar.—For granting adminiſtration, taking bond, and all other ſervices thereon, eighty cents. —For proving and recording at length in bound books, to be kept for that purpoſe, and filing an inventory, account of ſales, or account current, exhibited by an executor, adminiſtrator or guardian, for ſuch, copy or certificate of the ſame, ſixty cents.—For every marriage licence and bond, ſeventy five cents.—For ordinary licence and bond, and all ſervices neceſſary to be done thereon, ſeventy five cents.—For tavern rates, twenty cents.—For ſearching a record out of court, ten cents.—For proving or entering acknowledgement of a conveyance of land, or other eſtate, and certifying the ſame, with order of regiſtration, or examination of a feme covert without commiſſion, twenty five cents —For a commiſſion to take the examination of a feme covert, or witneſſes in any cauſe depending in ſaid court, entering the return thereon, and all other ſervices neceſſary, twenty cents.—For a guardian or other bond, taken in court, including all ſervices, ſixty cents —For indentures for binding out apprentices, including all fees for every neceſſary ſervice thereon, ſixty cents.—For a ſpecial verdict, demurer, or motion in arreſt of judgment, forty cents.—For a writ of error or appeal, with a tranſcript of the record, and all ſervcies thereon, one dollar and ſixty cents —For making out certificates of witneſſes attendance, ſix cents —For recording a mark or brand, and granting a certificate thereof, if required, ten cents —For each ſecurity taken in iſſuing a writ, twenty cents.—For recording ſuch bond, twenty cents.—For every certificate to a power of attorney, or other inſtrument of writing, including the fees for annexing the county ſeal, eighty cents.—For iſſuing an order to the ſheriff, or ſubpœna for each ſurveyor or juryman to attend on the premiſes on a diſputed claim of land, twenty cents.—For receiving and recording at length the pannel and verdict of a jury on the trial of a diſputed claim of land, including all fees for every neceſſary ſervice thereon ſixty cents —For the copy of a record certifying to the treaſurer who is, or was ſheriff, or for the ſheriff's bond, or copy thereof, if recorded to be paid out of the county tax, on the clerk's producing the treaſurer's receipt, eighty cents —For furniſhing the treaſurer with a liſt of the amount of the tax for each year, to be paid out of the county tax on the clerk's producing the treaſurer's receipt, one dollar&eighty cents. For rendering to the treaſurer an account of the fines, forfeitures & amerciaments that are due and payable to the uſe of the ſtate, to be paid out of the county tax, on the clerk's producing the treaſurer's receipt, fifty cents.—For every petition of aprivate nature, with argument thereon, excluding ſuch as are the leading proceſs of a ſuit, twenty five cents.—For every ſubpœna to bring in the record, fifty cents —For the proceedings on a petition for laying off a tract of land agreeable to the contract of a perſon deceaſed, when it is part of a larger tract of land, eighty cents.—For the copy of ſuch proceedings, forty cents.—Recording a power of attorney or bond, forty cents.—For a copy thereof, forty cents. And all public ſervices done for the county, by the clerks of the county courts, are hereby deemed in virtue of his office; amongſt which all notices, or writs of notification againſt jurymen, ſhall be conſidered; and the reſpective courts may allow reaſonable ſatiſfaction for the ſame annually, out of the county tax, not exceeding the ſum of forty dollars. And no money ſhall be granted by the court of any county in this ſtate, on any account whatever, unleſs a majority of the acting juſtices in each county are preſent at the time of granting ſuch money, any law, uſage or cuſtom to the contrary notwithſtanding.

Sec. 2 *Be it enacted*, That the clerks of the ſeveral ſuperior and county courts of this ſtate, ſhall, and they are hereby required, to put up in ſome public place in their office, an exact copy of the fees by this act allowed; and alſo in the court houſe, during the ſitting of each court; and for every ſuch failure or neglect, they ſhall forfeit and pay the ſum of twelve dollars, to be recovered by warrant for the uſe of any perſon who will ſue for the ſame.

Sec. 3 *Be it enacted*, That after the paſſing of this act, the ſheriffs in the ſeveral counties in this ſtate ſhall and may receive for their ſervices the following and no other or larger fees for the following ſervices, viz.

For every arreſt, ſeventy cents.—For every bail bond, twenty five cents.—For ſerving a copy of a declaration, eighty cents.—For ſerving a ſubpœna, for each perſon named in the ſame, thirty cents —For pillorying a perſon, fifty cents —For an attachment the ſame as for an arreſt, and if further trouble by moving of goods, to be taxed by the court.—For executing a warrant of diſtreſs, or an execution againſt the body or goods, two and a half per cent.—For ſummoning, empannelling, and attending on every jury in every cauſe in court, twelve cents.—When a ſpecial venire ſhall iſſue, by order of court, for ſummoning each juror and attending the ſame, twenty five cents —For attending on the premiſes, on a ſpecial venire facias, per day, two dollars.—For ſerving a capias (or writ to take the body) on indictment, one dollar.—Putting a perſon in the ſtocks, and releaſing, fifty cents.—For every commitment, thirty cents.—For every releaſement, thirty cents.—For ſerving a writ of poſſeſſion of land, one dollar.—For ſerving and attending on any perſon, on a habeas corpus per day, one dollar.—For calling every action in court, four cents.—For impriſonment of felons or debtors, or any other perſon, for each priſoner, per day, for finding one pound of wholeſome bread, one pound of good roaſted or boiled fleſh, and a ſufficient quantity of freſh water, and every other neceſſary attendance, keeping the priſon clean, twenty five cents.

Sec. 4. *Be it enacted*, That the regiſter in each county in this ſtate ſhall and may take fees for regiſtering each deed or grant, including the certificate thereof, fifty cents.—For every ſearch, ſix cents.—For a copy of a grant or deed, fifty cents.—For regiſtering any other inſtrument of writing, fifty cents.

For each attorney, acting in behalf of the ſtate, for every bill found, two dollars and fifty cents.—On each *ignoramus* one dollar and twenty five cents.

Sec 5. *Be it enacted*, That all fees taken by attornies in future, in any ſuits in any of the ſeveral courts of law and equity, eſtabliſhed in this ſtate, ſhall be as follows, to wit.—In any ſuit in equity, the ſum of twelve dollars and fifty cents —In any ſuit in any of the ſuperior courts where the title of lands ſhall come in queſtion, the ſum of ſix dollars and twenty five cents —In all other ſuits, originally commenced in any of the ſaid courts, on the law ſide, the ſum of ſix dollars and twenty five cents.—In all appeals from any other court to the ſaid ſuperior court, the ſum of ſix dollars and twenty five cents.—In all ſuits in the county courts of pleas and quarter ſeſſions, where the titles of land ſhall come in queſtion, the ſum of ſix dollars and twenty-five cents.—In all other ſuits originally commenced in the ſaid county courts, the ſum of two dollars and fifty cents —In every appeal from the judgment of a juſtice of the peace to the ſaid county courts, the ſum of one dollar and twenty five cents

Sec. 6 *Be it enacted*, That the following officers ſhall be entitled to receive the following and no greater fees, for the following ſervices viz.

To conſtables —For every warrant executed fifty cents.—For every ſummons, twenty five cents —For every attachment or execution, fifty cents.—Commiſſions on all ſales by execution or attachment, ſix per cent. For whipping a negro by order of court, or by any juſtice of the peace, thirty three cents.

To the commiſſioner of affidavits, for his ſervices in taking the teſtimony of each witneſs, together with encloſing and returning the ſame, fifty cents

Sec. 7 *Be it enacted*, That the rangers in each and every county in this ſtate, may take and receive the following fees from the perſons taking up ſtrays, to wit —For each and every horſe, mare or gelding, including the certificate, entered in his ſaid office, ſixty cents. —For each head of neat cattle, twenty five cents.—For each head of hogs or ſheep, twelve cents.

Sec 8. *Be it enacted*, That the coroner may take and receive for his ſervices, the following fees :—For attending on every inqueſt, four dollars, and the ſame fees for diſcharging the duties of a ſheriff as ſuch ſheriff himſelf would be entitled to by this act, for performing the ſame ſervices.

Sec 9 *Be it enacted*, That it ſhall and may be lawful for the clerks of the ſuperior and county courts, where ſuits are determined and the fees not paid by the party from whom they are due, to make out execution, directed to the ſheriff of the county where the party reſides ; and the ſaid ſheriff ſhall levy the ſame by virtue of the ſaid execution, as in other caſes ; and to the ſaid execution ſhall be annexed a copy of the bill of coſts of the fees on which ſuch execution ſhall iſſue, wrote in words at length, without any abbreviation whatever ; and all executions iſſuing without the copy of ſuch bill of coſts annexed, ſhall be deemed illegal, and no ſheriff ſhall ſerve or execute the ſame.

Sec. 10. *Be it enacted*. That if the clerk of any court, ſheriff, regiſter, coroner, or other officer of any county, ſhall hereafter be guilty of any breach of the duties enjoined by this act, either by his own confeſſion, or verdict of a jury, it ſhall, on a ſecond conviction, be adjudged and deemed a miſbehaviour in office, for which ſuch clerk or other officer ſhall be removed from office.

Sec. 11. *Be it enacted* That all laws and clauſes of laws, coming within the purview and meaning of this act, are, and the ſame are hereby repealed and declared to be void.

CHAP. VIII.

AN ACT *aſcertaining the number of Attornies General to be appointed in the ſtate of Tenneſſee, for fixing their ſalaries, and directing their duty in office.*—(PASSED APRIL 23, 1796.)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That there ſhall be appointed three attornies general for ſaid ſtate, viz. One for the diſtrict of Waſhington, one for the diſtrict of Hamilton, and one for the diſtrict of Mero, whoſe duty it ſhall be to proſecute, in behalf of the ſtate, all matters cognizable in the ſuperior courts of law.

Sec. 2. *Be it enacted,* That it ſhall be the duty of each and every attorney general, to attend each and every of the ſaid courts, which may be holden in and for the diſtrict for which he may be appointed; and ſhall, for ſuch ſervice, be allowed forty dollars for each ſuperior court he may attend, excluſive of ſuch fees as are or may be allowed him by law: And in caſe any one of the aforeſaid attornies general ſhall fail to attend and do his duty as by this act directed, unleſs ſufficient cauſe for ſuch failure be ſhewn, it ſhall be deemed a miſdemeanor in office.

CHAP. IX.

AN ACT *directing the mode of electing the Governor and Members of the General Aſſembly.*—(PASSED APRIL 23, 1796.)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the county courts reſpectively, at the ſeſſion next preceding the day of the election, in every two years ſhall appoint three inſpectors to ſuperintend the election; and if it ſhall at any time happen, that any county court ſhall fail to make ſuch appointment, or any perſon ſo appointed ſhall refuſe to ſerve, the ſheriff, with the advice of three juſtices of the peace, or if none ſhall be preſent, three reſpectable freeholders, ſhall, before the beginning of ſuch election, appoint inſpectors for the purpoſe aforeſaid; and every inſpector who ſhall be appointed by either of the ways aforeſaid, and ſerving purſuant to ſuch appointments, ſhall be held and deemed lawful inſpectors at ſuch elections.

Sec. 2. *Be it enacted,* That the ſheriffs or returning officers ſhall, on the day and at the place for holding each reſpective election, be provided with one box for receiving the ballots for governor and members of the general aſſembly: The returning officer or his deputy, ſhall receive the tickets in preſence of the inſpectors, and put each ticket into the box, which box ſhall be locked or otherwiſe well ſecured, until the election ſhall be finiſhed: The returning officer ſhall, at ſunſet of the firſt day, and in the preſence of the inſpectors, put his ſeal on the place to be made for the reception of the tickets, which ſhall continue until the election ſhall be renewed the ſucceeding day: And it ſhall be the duty of the ſaid inſpectors to take charge of the box until the poll is opened the next day, and ſhall then be taken off in preſence of the inſpectors.

Sec. 3 *Be it enacted*, That every perſon qualified to vote in manner directed by the conſtitution, who ſhall attend for that purpoſe at any election, ſhall give to the returning officer, in preſence of the inſpectors, a ticket or ſcroll of paper, which ticket ſhall be put in the box in manner before directed; and at the ſame time the clerks of the ſaid election ſhall take down, on ſeparate liſts, the name of every perſon voting, and when the election ſhall be finiſhed, the returning officer and inſpectors ſhall in preſence of ſuch of the electors as may chuſe to attend, open the box, and read aloud the names of the perſons which ſhall appear in each ticket, and the clerks at the ſame time ſhall number the ballots, each clerk ſeparately If there ſhall be two tickets rolled up together, or if any ticket ſhall contain the names of more perſons than ſuch elector has a right to vote for, in either of theſe caſes, ſuch ticket ſhall not be numbered in taking the ballots, but ſhall be adjudged void And when all the tickets are numbered, the perſons having the greateſt number of ballots ſhall be declared duly elected; but where two perſons ſhall have an equal number of votes, the returning officer ſhall have the caſting vote.

Sec. 4. *Be it enacted*, That the governor ſhall be balloted for in each and every county, at the time and places that members of the general aſſembly are elected for ſuch county, and the ballots ſhall be received by the ſheriff or other returning officer, in preſence of the inſpectors of the poll under the ſame rules and regulations as are preſcribed by this act for the elections of members for the general aſſembly; and it ſhall be the duty of the ſheriff or other returning officer of each and every county, to make a correct return of the poll of the election for governor under his hand, in his official capacity, and to cauſe the ſame to be delivered to the ſpeaker of the ſenate, on the firſt day of the ſucceeding ſtated ſeſſion of the legiſlature, under the pains and penalties as inflicted by this act, in caſes of failure to make due returns of the perſons elected to repreſent ſaid county.

Sec. 5 *Be it enacted*, That every election hereafter to be made by virtue of any writ from the governor, ſhall be conducted and regulated in the ſame manner as is by this act preſcribed, ſo far as the particular caſe can be applied to the general rules

Sec. 6 *Be it enacted*, That every election hereafter to be held in this ſtate, ſhall begin at twelve of the clock at noon, on the day appointed for ſuch election and ſhall be cloſed at four o'clock on the ſucceeding day.

Sec. 7. *Be it enacted*, That if any perſon ſhall hereafter vote at an election, who by law ſhall not be entitled to vote at ſuch election, he ſhall forfeit and pay the ſum of ten dollars, to be recovered with coſts, by action of debt, in any juriſdiction having cognizance thereof, one half to the uſe of the county, and the other half to him or them who will ſue for the ſame. And where any ſuit ſhall be brought againſt any perſon for voting as aforeſaid, without having a right to ſuch vote, the proof ſhall be upon the plaintiff.

Sec. 8 *Be it enacted*, That the inſpectors and clerks of every ſuch election as aforeſaid, ſhall, in the court houſe, before they proceed to buſineſs, (ſwear or affirm, as the caſe may be) faithfully to perform their reſpective duties at ſuch election, agreeably to the conſtitution and laws of this ſtate

Sec 9 *Be it enacted*, That if at any time it ſhall happen, that there ſhall be no ſheriff in any county qualified according to law, the coroner or coroners in ſuch county is and are hereby empowered to hold the election for ſuch county ; and ſuch ſheriff or coroner, within ten days after every election, ſhall, at the requeſt of any perſon elected to ſerve in the general aſſembly, or other perſon in his behalf, cauſe fair copies of the liſts of votes, and the number of ballots for each candidate, to be made out and delivered to the perſon requeſting the ſame, or to his order, which liſts and numbers ſhall be ſigned by the returning officer ; and if any officer ſhould refuſe ſo to do, or ſhall hold elections in any other manner than is by this act directed, or ſhall neglect or refuſe to make returns of the elections by him to be held, the officer ſo offending ſhall forfeit and pay the ſum of ſeven hundred and fifty dollars, to be recovered by action of debt in any court of record having cognizance thereof, with coſts, one half to the uſe of the ſtate, and the other half to ſuch perſon as will ſue for the ſame.

Sec. 10. And whereas ſeveral new counties have, and may be eſtabliſhed by the preſent general aſſembly, and ſuch new counties are not entitled to ſeparate repreſentation, and it would be inconvenient for the inhabitants of ſaid new counties, to attend at the places of holding elections in the old counties : *Be it enacted*, That in that caſe the ſheriff or other officer of ſaid counties, ſhall hold an election at the reſpective court houſes, or places of holding courts for ſaid new counties on the ſame days as other counties ſhall under this act : And the returning officers of each of ſaid counties ſhall meet on the ſucceeding day after ſuch election, if practicable, or as ſoon as in their power, at ſuch places as are heretofore directed, to compare the votes received by them in each county ; and the perſons voted for in either or both counties, having the higheſt number of votes of both counties, ſhall be declared duly elected, upon the ſame principles as above. For the counties of Montgomery and Robertſon, the returning officers ſhall meet at the houſe now occupied by William Prince : and the county of Tenneſſee having loſt its name, the ſheriff of Montgomery ſhall be the returning officer in ſigning credentials to thoſe elected within the bounds formerly Tenneſſee, now Robertſon and Montgomery. And the returning officer of Carter county ſhall meet at the town of Joneſborough.

CHAP. X.

An ACT *directing the mode of electing Repreſentatives, to repreſent this ſtate in the Congreſs of the United States* — (PASSED APRIL 20, 1796.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That this ſtate ſhall be divided and laid off into two diviſions ; the firſt to be called the Holſton diviſion, and ſhall be compoſed of the diſtricts of Waſhington and Hamilton ; the ſecond to be called the Cumberland diviſion, and ſhall be compoſed of the diſtrict of Mero ; each of which diviſions ſhall be entitled to elect and ſend one repreſentative to repreſent the people of this ſtate in the legiſlature of the United States. The perſon elected in each diviſion ſhall be a reſident or inhabitant of this ſtate three years, and one year a reſident or inhabitant of that diviſion for which he is elected, before and at the time of election ; *Provided nevertheleſs*, That this ſhall not be conſtrued to extend to any perſon who was an actual reſident or inhabitant of this ſtate at the time of making the conſtitution thereof.

Sec 2. *Be it enacted*, That the elections ſhall be held in each county, within the ſaid diviſions of Holſton and Cumberland, on the firſt Thurſday of Auguſt next, and the ſucceeding day, at the reſpective court houſe of each county; and ſhall be conducted in the ſame manner as elections of members of the general aſſembly; and the next election for repreſentatives ſhall be held on the firſt Thurſday in Auguſt and the ſucceeding day, in the year one thouſand ſeven hundred and ninety ſeven

Sec 3 *Be it enacted*, That immediately after cloſe of the election in each county, the ſheriffs, or other returning officers, ſhall, in the preſence of the inſpectors of the election, make out two correct ſtatments of the number of votes given to each candidate in his county, which two ſtatements ſhall be certified by the ſaid ſheriff or other returning officer, and a majority of the inſpectors; one of which ſtatements ſhall be by the inſpectors filed in the clerk's office of the county, and the ſheriff or other returning officer of the county, by himſelf or deputy, ſhall attend with the other, on the day and at the place herein after mentioned; and at the ſame time and place, the polls for the different counties, ſhall, by the ſaid ſheriffs or their deputies, or other returning officers, as the caſe may be, in the preſence of three juſtices of the peace, who are to be ſummoned and attend for that purpoſe, be examined and compared, and a certificate, under the hands and ſeals of the ſaid returning officers ſhall be given to the candidate in each diviſion, for whom the greateſt number of votes ſhall have been given; but if two or more candidates ſhall have an equal number of votes, the ſaid returning officers ſhall decide which of them ſhall be repreſentative: And if the ſaid returning officers do not decide by their votes, who ſhall be repreſentative, then they ſhall decide the ſame, by drawing in like manner as the grand jury are drawn for in the ſuperior court.

Sec. 4. *Be it enacted*, That the ſheriff or returning officer for Holſton diviſion ſhall meet on the ſecond Thurſday of Auguſt next, at Greenevîlle, and thoſe for Cumberland diviſion at Naſhville, on the ſame day. And if any accident ſhall happen to either of the returning officers which may prevent their meeting on the day aforeſaid, the returns of ſuch officers ſhall be received on the day following. The ſheriff or coroner, or his deputy, failing to attend at the time and place before mentioned, ſhall forfeit and pay the ſum of five hundred dollars, to be paid into the treaſury of this ſtate, upon due proof thereof, in any court of law within this ſtate, and to be recovered by action of debt, by the treaſurer of the diviſion in which the failure may be.

Sec 5. *Be it enacted*, That each and every perſon who ſhall be duly elected a repreſentative under this act, ſhall, upon obtaining a certificate of his election according to the directions above mentioned, obtain from the governor a commiſſion certifying his appointment as repreſentative aforeſaid, which commiſſion the governor is hereby empowered and required to grant, on his producing ſuch certificate.

Sec. 6 *Be it enacted*, That the ſheriffs and other returning officers, ſhall be allowed the ſum of one dollar and fifty cents for every thirty miles traveling to and from the places appointed for the returning of-ſeats to meet, and the ſame for each day which they ſhall neceſſarily attend at ſuch meeting, comparing the polls.

Sec 7. *Be it enacted,* That if any perſon ſhall be found guilty of having committed any fraud in executing the duties enjoined on him by this act, he ſhall on conviction, forfeit and pay the ſum of five hundred dollars, and ſuffer ſix months impriſonment, without bail or mainprize.

C H A P. XI.

AN ACT *providing for the appointment of electors to elect a Preſident and Vice Preſident of the United States* —(PASSED APRIL 23. 1796.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the General Aſſembly, ſhall, from time to time, by joint ballot of both houſes, elect ſuch number of electors, as is or may be required by the conſtitution of the United States, for the purpoſe of electing a preſident and vice preſident.

Sec 2. *Be it enacted,* That if any of the perſons ſo elected, ſhall die, or refuſe to act, the governor ſhall appoint ſome perſon in his ſtead; and the ſaid electors ſhall meet at Knoxville, on ſuch day as ſhall be determined by the Congreſs of the United States; and being ſo met, ſhall proceed as directed by the conſtitution thereof, in this caſe.

Sec. 3. *Be it enacted,* That the ſaid electors ſhall receive the ſame compenſation for their ſervices as the members of the preſent general aſſembly, to be paid upon the warrant of the governor, out of the public treaſury: *Provided,* The ſaid electors ſhall not be entitled to receive pay for more than three days attendance at Knoxville.

C H A P. XII.

AN ACT *preſcribing the mode of electing the militia officers of this ſtate*—(PASSED APRIL 22, 1796)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That it ſhall be the duty of the ſheriff of each county in this ſtate to hold an election on the firſt Thurſday of Auguſt next and the ſucceeding day, at the reſpective court houſes in each county, for the purpoſe of electing one colonel and two majors; at which election every perſon who ſhall be ſubject to do militia duty, ſhall be entitled to vote for the aforeſaid officers.

Sec. 2. *Be it enacted,* That each candidate ſhall have been a reſident of the county in which he offers, at leaſt ſix months immediately before the day of election.

Sec 3. *Be it enacted,* That when one or more candidates are offered for lieutenant colonel commandant, that when the polls are cloſed and votes counted out, the perſon who hath the higheſt number of votes ſhall be the officer as aforeſaid.

Sec. 4. *Be it enacted,* That when one or more candidates are offered for firſt major, when the polls are cloſed and votes counted out, the perſon having the higheſt number of votes ſhall be the officer as aforeſaid: And the ſecond major in the ſame manner as that of the firſt major.

Sec. 5. *Be it enacted,* That all elections for captains, lieutenants, and enſigns, ſhall be held at their reſpective muſtering grounds, on the third Thurſday of Auguſt next, in the manner following:—Any juſtice of the peace of the company or county, wherein ſuch election is to be held, ſhall appoint and qualify three men, of good character, as judges of the election ; and when one or more are candidates, for captain, lieutenant, or enſign, he having the greateſt number of votes ſhall be the officer of the grade to which he offered

Sec. 6. *Be it enacted*, That where two or more candidates are equal, and higheſt in votes, in the election of field officers, the ſheriff or returning officer, ſhall determine, by his vote, who is elected : And in the election of company officers, where two or more of the candidates are equal, and higheſt in votes, the inſpectors of ſaid elections ſhall, in like manner, determine who is elected.

Sec. 7. *Be it enacted*. That the ſheriff, or returning officer of the elections for field officers in the reſpective counties, ſhall certify under his hand and ſeal the perſons duly elected as field officers, in his county to the governor, who is hereby authorized to commiſſion them accordingly

Sec 8. *Be it enacted* That the inſpectors of the elections for commiſſioned officers of companies, ſhall certify, under their hands, in like manner to the commanding officer of their reſpective counties, the perſons duly elected in the companies for which they were inſpectors reſpectively, which certificates the ſaid commanding officers are hereby directed to tranſmit to the governor, certified and ſealed up, who ſhall commiſſion thoſe duly elected.

Sec. 9 *Be it enacted*, That the field officers for the diſtricts of Waſhington, Hamilton, and Mero ſhall meet on the ſecond Thurſday of October next, to elect one brigadier general for each diſtrict, that is to ſay : The officers for the diſtrict of Waſhington, ſhall meet at Joneſborough ; the officers for the diſtrict of Hamilton, at Knoxville ; and the officers for the diſtrict of Mero, at Naſhville, to hold their elections as aforeſaid, which election the ſenior officer preſent, ſhall ſuperintend ; and if two or more of the candidates are equal, and higheſt in votes, ſuch two or more ſhall decide, by lot, which ſhall be the brigadier-general ; and the ſaid ſenior officer ſhall, under his hand, certify the ſame to the governor, who ſhall commiſſion ſuch perſon accordingly.

Sec 10. *Be it enacted*, That the brigadier general and field officers, of each diſtrict in this ſtate, ſhall meet at the above mentioned places, on the ſecond Thurſday of November next, and vote for one major-general for this ſtate, and tranſmit the votes of each diſtrict, ſealed up, to the governor, which he is authoriſed to open and count out, in preſence of the ſecretary, and commiſſion the perſon who ſhall have the greateſt number of votes ; and if two or more ſhall be equal, and higheſt in votes, the governor ſhall determine who ſhall be the major general.

Sec. 11. *Be it enacted* That the cavalry of each county ſhall meet at their court houſes reſpectively, on the third Thurſday of Auguſt next, to elect one captain, one lieutenant, and one cornet, which election ſhall be conducted in the ſame manner as the election deſcribed for the officers of the companies of infantry.

Sec. 12 *Be it enacted*, That the captains and ſubalterns of the cavalry for the diſtricts of Waſhington, Hamilton, and Mero, ſhall meet on the ſecond Thurſday of October, next, to elect one lieutenant-colonel commandant and two majors, for each diſtrict, that is to ſay : The officers for the diſtrict of Waſhington, ſhall meet at Joneſborough ; the officers for the diſtrict of Hamilton, at Knoxville ; and the officers for the diſtrict of Mero, at Naſhville, to hold their elections as aforeſaid

Sec. 13. *Be it enacted,* That when vacancies ſhall happen by death, reſignation or otherways; if in the grade of major general, the governor ſhall iſſue his orders for an election to fill up ſuch vacancy, giving ſixty days notice thereof; if in the grade of brigadier general, the major general ſhall in like manner iſſue his orders for an election; if in the grade of lieutenant colonel commandant or major, the brigadier general ſhall in like manner iſſue his orders for an election; if in the grade of captain, lieutenant, enſign or cornet, the commanding officer of ſuch regiment or corps in which ſuch vacancy may happen, ſhall in like manner iſſue his orders to fill up ſuch vacancy; and the ſaid elections ſhall be held at the ſame places, and under the ſame rules and reſtrictions that are herein before directed.

CHAP XIII

AN ACT *directing the mode of prefering memorials to the general aſſembly for the diviſion of counties and fixing of court houſes.*——(PASSED APRIL 23, 1796)

Section 1 BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That from and after the paſſing of this act, any perſon or perſons having a deſire to divide a county or counties, ſhall advertiſe, at leaſt ſix months preceding the next ſeſſion of the general aſſembly, at the court houſe, and in each captain's company in ſaid county, their intention of prefering a memorial to the ſaid aſſembly, deſcribing the line or lines of ſuch diviſion, as intended to be made.

Sec. 2. *Be it enacted,* That in all caſes where any memorial is preſented to the general aſſembly, for the diviſion of a county, there ſhall alſo be preſented with it, a fair and accurate plat of the county or counties to be divided, deſcribing the old and new counties, on one and the ſame plat, which ſhall be actually ſurveyed by a ſworn ſurveyor, and by him ſubſcribed and certified to be juſt and true.

Sec. 3. *Be it enacted,* That in all caſes, where any perſon or perſons intends to prefer a memorial to the general aſſembly, for the removal of a court houſe, in any county in this ſtate, ſuch perſon or perſons ſhall, for ſix months previous to the meeting of ſuch aſſembly, advertiſe at the court houſe of ſuch county, and at the uſual places of holding muſters in each company, the intention of ſuch memorial, the reaſons of removal, the place it is to be moved to, or within two miles thereof; and ſhall deliver to the aſſembly with ſuch memorial, a fair and juſt plat of the county, the place where the ſaid court houſe ſtands, and where it is intended to be removed, all which ſhall be ſurveyed and returned on oath, and paid by the memorialiſts.

CHAP. XIV.

AN ACT *to amend an act entitled,* "An act to regulate the deſcent of real eſtates, to do away entails, to make proviſion for widows, and to prevent frauds in the execution of laſt wills and teſtaments;" *and alſo to amend an act, entitled,* "An act to explain, amend and ſupply the deficiencies of the before recited act"—(PASSED APRIL 22, 1796.)

BE *it enacted by General Aſſembly of the State of Tenneſſee,* That from and after the paſſing of this act, all real eſtates of inheritance, as well as perſonal, ſhall deſcend to, and be divided between brothers and ſiſters as well of the half blood as of the whole blood, in the ſame proportion as they have heretofore been divided between brothers of the whole and half blood only; and in the ſame manner to collateral heirs for want of ſuch brothers or ſiſters ; and that all and every act or acts, heretofore in force and uſe in this ſtate, ſhall be, and they are hereby repealed, ſo far as they come within the purview and meaning of this act.

CHAP. XV.

An ACT for the appropriation of certain monies therein mentioned, and for other purpoſes —(PASSED APRIL 22, 1796)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That all monies ariſing from fines and forfeitures impoſed on public offenders, at any of the ſuperior courts, ſhall be appropriated to defray the contingent charges of the reſpective diſtricts, excluſive of thoſe accruing for the diſtrict court houſe, priſon and ſtocks; and the balance, if any, of the ſaid monies, ſhall be yearly, and every year, accounted for, and paid by the county truſtee into the public treaſury of the ſtate ; any law, uſage or cuſtom to the contrary notwithſtanding.

Sec. 2 *Be it enacted,* That all monies ariſing from fines and forfeitures, impoſed on public offenders, at any of the county courts, ſhall be applied to the uſe of the county, in which ſuch fine or forfeiture ſhall be made.

Sec. 3 *Be it enacted,* That each of the clerks of the ſuperior courts within this ſtate, ſhall, within twenty days after the end of each term, render on oath, an account of all monies which they ſhall have received, for fines and forfeitures, and pay the ſame to the truſtee of the county, in which the reſpective ſuperior courts ſhall be held.

Sec. 4 *Be it enacted,* That each of the clerks of the ſuperior courts, ſhall, at the firſt court, to be held for the reſpective diſtricts, after the firſt day of May next, enter into bond, with ſufficient ſecurity, to the governor for the time being, and his ſucceſſors in office, in the ſum of one thouſand dollars, with condition for the faithful collection and payment of the fines and forfeitures agreeable to law ; which bond ſhall be by the different clerks depoſited in the hands of the truſtee of the county in which the ſuperior court may be held, in twenty days after the time of entering into the ſame ; and on failure to depoſit the bond as aforeſaid, the clerks ſo failing, ſhall for ſuch offence, forfeit and pay to the uſe of the diſtrict five hundred dollars, to be recovered by action of debt, in the name of the governor for the time being, in any court having cognizance thereof.

Sec. 5. *Be it enacted,* That the different truſtees ſhall, at the court at which they ſhall be appointed, enter into bond, with ſufficient ſecurity, to the chairman of the county court and his ſucceſſors in office, in the penal ſum of two thouſand dollars, conditioned for the ſafe keeping and faithful payment of all diſtrict and county monies which ſhall be depoſited in their reſpective hands, agreeable to the orders of the court of the county, to which they ſhall be appointed truſtees.

Sec. 6. *Be it enacted,* That it ſhall be the duty of the different truſtees to keep fair and regular accounts of all the diſtrict and county monies which they ſhall receive, to pay the ſame agreeably to the different appropriations that may be made by the county court, and to keep fair and regular accounts of the ſame ; and at the firſt court to be held for the county, after the firſt day of January in each and every year, to lay the ſaid accounts before the court for their inſpection.

Sec. 7. *Be it enacted* That every act and acts, clauſe and clauſes of acts that comes within the purview of this act is hereby repealed and made void.

CHAP. XVI.

AN ACT *to appropriate certain monies herein after deſcribed.*—(PASSED APRIL 13, 1796.

WHEREAS the convention on the ſixth day of February laſt, entered into a unanimous reſolution, that it was the wiſh of the members of that convention, that the monies appropriated to their uſe by law, and not by them received, be appropriated by the general aſſembly to the payment of the ſecretary, clerk, printer, and door keeper of the ſaid convention, or ſo much thereof as will be ſufficient to pay them for their ſervices:

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That William Maclin, ſecretary of the ſaid convention, be allowed one hundred and thirty three dollars; John Sevier, clerk, ſixty ſeven dollars and fifty cents; John Rhea, door keeper, ſeventy ſix dollars and fifty cents; James White, twelve dollars and ſixty two cents; and Geo. Roulſtone, printer, one hundred and ſixty-ſix dollars and ſixty ſix cents.

Sec. 2. *Be it enacted,* That the treaſurer or treaſurers, or either of them, are directed to pay the aforeſaid ſums on a certificate or certificates, ſigned by the ſpeakers of both branches of the legiſlature, and counterſigned by their clerks, whoſe duty, or either of them, it ſhall be to make out the ſame.

Sec 3. *Be it enacted,* That Joſeph M Minn ſhall be allowed the ſum of two hundred dollars for his ſervices in going expreſs to Philadelphia and returning. And that the ſum of twenty two dollars and thirty-three cents be allowed to James White, for tranſporting a priſoner from the Warm Springs to this place; the ſaid monies ſhall be paid by either of the treaſurers in manner directed by this act.

CHAP. XVII.

AN ACT *to provide for the payment of the Governor, and directing the place of his reſidence.*—(PASSED APRIL 23, 1796.)

BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the governor of this ſtate ſhall keep his office and reſide at the ſeat of government; and ſhall receive the annual ſum of ſeven hundred and fifty dollars as a compenſation for his ſervices, to be paid out of the public treaſury, by the treaſurer of the diſtricts of Waſhington and Hamilton, on a warrant or warrants to be iſſued by the governor, under his hand and ſeal, and atteſted by the ſecretary, to be paid in half yearly payments; and in caſe there ſhall be no money, or not ſufficient to pay the ſum that may at any time be due to the governor, the treaſurer for the diſtricts aforeſaid ſhall certify the ſame, under his hand and ſeal, to the treaſurer of Mero diſtrict, which, together with the governor's warrant, authenticated as aforeſaid, ſhall be ſufficient to authoriſe the ſaid laſt mentioned treaſurer to pay the money that may appear to be due thereon.

CHAP. XVIII.

AN ACT *making compenſation to the Members, Clerks, and Door-Keepers of the General Aſſembly, and for defraying other neceſſary contingencies.* (PASSED APRIL 23, 1796.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That it ſhall be lawful for each member to receive the ſum of one dollar and ſeventy-five cents for each day he ſhall have attended the general aſſembly, and the ſame for every twenty five miles he ſhall travel, in going to and returning from the ſame.

Sec. 2. *Be it enacted*, That each firſt clerk of the general aſſembly, ſhall be allowed the ſum of two dollars and fifty cents per day for their ſervices: That one dollar and ſeventy five cents, be allowed, per day, to each aſſiſtant clerk; and that the farther allowance be made for contingent expences, namely; To Thomas H. Williams, twenty two dollars; to John Sevier, jun. twelve dollars and fifty cents; to George Roulſtone, twenty two dollars; to Nathanial Buckingham, twelve dollars and fifty cents.

Sec 3. *Be it enacted*, That each door keeper ſhall be allowed for his ſervices, the ſum of one dollar and ſeventy five cents, for each day he ſhall attend on the general aſſembly.

Sec. 4. *Be it enacted*, That Hopkins Lacy be allowed forty dollars, for his ſervices, as ſtate's attorney, for the firſt ſuperior court, held in the ſtate of Tenneſſee, on the ſecond Tueſday in April, one thouſand ſeven hundred and ninety ſix, he being appointed by the court for that purpoſe, *pro tempore*

Sec 5. *Be it enacted*, That the ſpeaker of each houſe of the general aſſembly, ſhall ſign the ſeparate draughts of appropriations, referred to in this act, and be atteſted by the clerks thereof.

Sec. 6 *Be it enacted*, That George Roulſtone, public printer, be allowed two hundred dollars, in part payment for the printing as contracted for by the ſpecial committee, as appears by the journal, to be paid by a warrant from the governor on either of the treaſurers.

CHAP. XIX

AN ACT *to repeal an act, entitled, "An act for the relief of ſuch perſons as have been diſabled by wounds, or rendered incapable of procuring for themſelves and families ſubſiſtence in the militia ſervice of this Territory, and providing for the widows and orphans of ſuch as have died."*—(PASSED APRIL 13, 1796.)

BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That an act, entitled, "An act for the relief of ſuch perſons as have been diſabled by wounds, or rendered incapable of procuring for themſelves and families ſubſiſtence, in the militia ſervice of this Territory and providing for the widows and orphans of ſuch as have died," paſſed on the ſeventh day of September, in the year one thouſand ſeven hundred and ninety four, be, and the ſame is hereby made void.

CHAP. XX

AN ACT *making proviſion for miſtakes in ſurveys of land.*

(PASSED APRIL 23, 1796.)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That whenever there has been, or hereafter may be an error by the ſurveyor, in platting or making out certificate to the ſecretary's office, or the ſecretary ſhall miſtake in making out the courſes, agreeable to the ſaid returns, or ſhall miſname the claimant, or otherwiſe, ſo as ſuch claimant ſhall be injured thereby, the claimant ſo injured ſhall prefer a petition to the county court of pleas and quarter ſeſſions where ſuch land is ſituated, ſetting forth the injury he, ſhe or they might ſuſtain in conſequence of ſuch error or miſtake, with all and ſingular the matters and things relative thereto; and the ſaid courts are hereby authoriſed to hear teſtimony reſpecting the truth of the allegations ſet forth in the ſaid petition ; and if it ſhall appear to them by ſaid teſtimony, or from the return of the ſurveyor, or error of the ſecretary, that the patentee of ſuch lands is liable to be injured thereby ſuch court is hereby required to direct their clerk to certify ſuch facts as appears to their ſatisfaction, to the ſecretary of the ſtate of North Carolina.

Sec 2. *Be it enacted*, That any perſon who diſcovers there is an error in the regiſtration of his or their grants or meſne conveyances, ſhall be at liberty to prefer a petition to the county court, in the ſame manner as in this act before directed ; and on hearing the ſame, if it appears to the ſatisfaction of the court that error has been made, they are hereby directed and required to order the regiſter of the county to correct ſuch error ſo made, and make the records by him kept conformable to the grant, meſne conveyance, bill of ſale, or other inſtrument of writing in which it appears ſuch miſtake has been ſo made : *Provided*, That a majority of the acting juſtices of the ſaid court ſhall be preſent on hearing of ſuch petitions, and that ſuch petitioner ſhall prove to the court that he has notified every perſon having lands adjoining thoſe mentioned in the petition thirty days previous to prefering the ſame ; and that he has notified every perſon who claims title to the lands deſcribed in his ſaid petition : *Provided alſo*, That any perſon who may be diſſatisfied with the judgment of any county court, on his, her or their petition, ſhall be at liberty to appeal to the ſuperior court of the diſtrict as in other caſes ; and no petition ſhall be ſet for hearing the firſt term *Provided*, That when any perſon petitions for the alteration of a deed, meſne conveyance, or bill of ſale, the ſame notice ſhall be given to the grantor of ſuch deed or meſne conveyance.

Sec 3 *Be it enacted*, That the clerks of the county courts where ſuch petition ſhall be preferred, ſhall receive the ſum of ſixty cents, for their ſervices, on each petition and no more, to be paid by the party petitioning.

Sec. 4 *Be it enacted*, That the county courts, when they think neceſſary, ſhall order the ſurveyor and five freeholders, who are not intereſted, to examine and ſurvey diſputed lands, to aſcertain the lines, and to make return thereof to the ſaid court, on oath : *Provided*, That the expence of ſuch examination and ſurvey, ſhall be paid by the party petitioning as aforeſaid.

CHAP. XXI.

AN ACT *for the relief of ſuch perſons as have or may ſuffer by the loſs of the records of the court of equity, for the diſtrict of Mero*—(PASSED APRIL 22, 1796.)

WHEREAS the office of the clerk and maſter of the court of equity, for the diſtrict of Mero, was lately deſtroyed by fire, and the books, records, and papers thereof were loſt, whereby many perſons are, or may be much injured ; for remedy whereof,

Section. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That each and every decree heretofore made by the ſaid court, be, and they are hereby eſtabliſhed and declared to be good and valid to all intents and purpoſes, as fully as if the ſame had not been deſtroyed as aforeſaid. And in order to aſcertain the ſubſtance of the ſaid decrees,

Sec 2. *Be it enacted*, That it ſhall be lawful for the different parties to any of the ſaid decrees, and their attornies, in preſence of the judge or judges, to ſtate, by conſent on their own recollection, or that of the judge or judges, or by proof, on the oath of thoſe who drew up the ſaid decrees, or otherwiſe came to the knowledge thereof, the true ſubſtance of ſaid decrees, which ſhall be drawn up in form, and ſigned by the judge or judges, who ſigned the original decree, and being enrolled of record, in the office of the ſaid court, ſhall have the ſame force as the ſaid original itſelf; and the ſaid judges, parties, and their attornies, ſhall, in making up the ſaid decrees, be guided by a minute docket of the ſaid court, which was ſaved from the fire, as far as information can be collected therefrom; and all copies of decrees, that had been made out and certified by the clerk of ſaid court, ſhall be conſidered as of the ſame dignity, and have the ſame force in law, as the original would, or ought to have had; and the ſaid clerk ſhall and may iſſue ſuch proceſs of execution, on any of the ſaid decrees made up and authenticated agreeable to the directions of this act as ought to have been iſſued on any of the ſaid original decrees; and where any copy or copies, or a decree or decrees have been ſigned by the judge or judges, who ſigned the originals, and proceedings have been had thereon, it ſhall be deemed good and ſufficient in law: *Provided*, There ſhall be the proof and enrollment as before ſet forth.

Sec 3. *Be it enacted*, That it ſhall and may be lawful for the ſaid clerk to iſſue execution for the fees due on the ſeveral ſuits mentioned in the following liſt, without ſtating the different fees at large, in a fee bill, againſt the parties who may be chargeable therewith, by the above mentioned minute docket, or by either of the aforeſaid methods of aſcertaining the ſubſtance of the ſaid decrees, to wit, in the ſuits:

Names.	*Officers fees*	*Ds. Cts.*
William Brown,	Clerk,	15
verſus	Sheriff,	2
Margaret Gibſon, adm'x of John Gibſon, dec'd.	Attorney.	9
Zachariah Hammond,	Clerk,	18
verſus	Sheriff,	3
James M'Kain and Robert Montgomery.	Attorney.	25
George A. Sugg,	Clerk,	10
verſus	Sheriff,	1 75
William Crutcher and William Loggins.	Attorney.	25
Elijah Robertſon,	Clerk,	11
verſus	Sheriff,	3
Moſes Shelby.	Attorney,	25
Anthony Crutcher,	Clerk,	17 50
verſus	Sheriff,	1 15
James C. Montflorence, and Andrew Armſtrong, Executors of Thomas Tullock.	Attorney,	
John Brown,	Clerk,	20
verſus	Sheriff,	2 25
Martin Armſtrong and Anthony Crutcher.	Attorney,	25
John M'Nairy and wife,	Clerk,	20
verſus	Sheriff,	2 25
Euſebius Buſhnel and William Dobbins.	Attorney,	25
James Boſley,	Clerk,	12 50
verſus	Sheriff,	1 50
Anthony Crutcher.	Attorney,	25
Anthony Crutcher,	Clerk,	12 25
verſus	Sheriff,	1 50
James Boſley.	Attorney,	25

Names.	*Officers fees*	D.	Cts.
John M'Nairy,	Clerk,	10	
verſus	Sheriff,	1	50
James Freeland's heirs.	Attorney,	25	
James M'Kain,	Clerk,	17	50
verſus	Sheriff,	1	50
George A. Sugg.	Attorney,	25	
Alexander Moore,	Clerk.	7	50
verſus	Sheriff,	1	50
Noah Suggs.	Attorney,		
James Boſly,	Clerk,	16	65
verſus	Sheriff,	6	
Daniel Rowan.	Attorney,	25	
James Hoggat,	Clerk,	15	15
verſus	Sheriff,	2	
Daniel Rowan.	Attorney,	25	
James Boſly,	Clerk,	15	50
verſus	Sheriff,	1	50
Anthony Crutcher.	Attorney,	25	
William M'Ginnis,	Clerk,	15	
verſus	Sheriff,	1	25
William Blackamore.	Attorney,	25	
William Anderſon,	Clerk,	17	50
verſus	Sheriff,	1	50
John M'Dowel.	Attorney,	25	
Griſham Cofield,	Clerk,	10	
verſus	Sheriff,	2	
Abſalom Hooper.	Attorney,		
Thomas Molloy and Joſeph M'Neal,	Clerk.	20	
verſus	Sheriff,	2	
George A. Sugg.	Attorney,	25	

Whereas many valuable papers were burned in the ſaid office whereby many good citizens may ſuſtain great loſs and injury, for remedy whereof,

Sec. 4 *Be it enacted,* That it ſhall and may be lawful for the ſubſtance contained in ſuch paper or papers, to be taken in writing, and the truth thereof being atteſted on oath, in open court, or before any judge of the ſuperior court, or juſtice of the peace, by any credible and diſintereſted witneſs, the ſame ſhall be received as legal teſtimony in any court of record in this ſtate; *Provided,* it ſhall be lawful for the oppoſite party to encounter ſuch teſtimony by contrary proofs, or ſhew the ſame to have been fraudulently or illegally obtained, if he can.

CHAP. XXII.

An ACT for amendment of the law respecting public roads and ferries.

(PASSED APRIL 20, 1796)

Section 1 *BE it enacted by the General Aſſembly of the State of Tenneſſee,* That any public road hereafter to be viewed and laid out, or in turning or ſtraightening of roads, if the ſaid road be viewed and laid out by any number of freeholders not leſs than five nor more than twelve, it ſhall be held and deemed to be ſufficient, and of the ſame effect as if the ſaid road had been laid out by a jury of twelve freeholders, as heretofore uſed; any law, uſage, or cuſtom, to the contrary notwithſtanding.

Sec. 2. Be *it enacted*, That in future all damages aſſeſſed for any new public road, ſhall be paid by the county in which ſuch new road is, any law, uſage, or cuſtom to the contrary notwithſtanding.

Sec 3 *Be it enacted*. That all and every ferry over any river rivers, or watercourſes ſhall be free to electors on days of elections of members of the general aſſembly, general muſters, and for repreſentatives to the Congreſs of the United States, in going to and returning from the ſame.

Sec 4 *Be it enacted*, That where any perſon ſhall conceive himſelf injured by laying out any road, as directed by this act, it ſhall be lawful for the court of the county, on complaint made by ſuch perſon, to order a jury to be ſummoned to view ſuch road, and aſſeſs the damage ſuch perſon may have ſuſtained, which ſhall be paid to him as aforeſaid; *Provided* Such perſon ſhall apply within nine months after ſuch road ſhall have been laid out.

Sec. 5 *Be it enacted* That the juſtices of the reſpective county courts ſhall have power to direct what perſons ſhall work on each road, in their county, ſo that no perſon ſhall be compelled to work on more than one road.

Sec. 6 *Be it enacted*, That all ferry keepers ſhall keep the banks of the river, where they or either of them ſhall keep ſuch ferry, on both ſides of the water courſe, in good and lawful repair, or be ſubject to the ſame penalties as overſeers of public roads.

CHAP. XXIII.

AN ACT *to prevent the obſtruction of the navigation of Red River.*—

(PASSED APRIL 23, 1796.)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the navigation of Red river, from the Kentucky line to where the ſaid line croſſes the ſame, to the mouth thereof, ſhall be and remain open and free

Sec 2. *Be it enacted*, That if any perſon or perſons have heretofore erected, or ſhall hereafter erect any fiſh dam on the ſaid river, he ſhall open, or leave open, in the deepeſt part of the channel of the river where any ſuch dam is or may be erected, one third of the width of ſaid channel, and keep the ſame open

Sec. 3 *Be it enacted*, That in caſe any perſon or perſons ſhall fail to comply with the above, he ſhall forfeit and pay for every ſuch offence, fifteen dollars, recoverable before any juriſdiction having cognizance thereof, one half thereof to the perſon ſuing for the ſame, and the other half to the county where ſuch offence ſhall be committed.

Sec. 4. Be *it enacted* That if any perſon or perſons ſhall, after the paſſing of this act, make any hedges, or cut, or cauſe to be cut, any tree or trees in ſaid river, ſhall forfeit and pay for every ſuch offence, ten dollars, recoverable before any juriſdiction having cognizance thereof, one half to the uſe of the perſon ſuing for the ſame, and the other half to the county where ſuch offence ſhall be committed.

CHAP. XXIV.

AN ACT *eſtabliſhing a town by the name of Palmyra.*—

(PASSED APRIL 20, 1796.)

WHEREAS Doctor Morgan Brown hath laid out a town upon the ſouth bank of Cumberland river, and upon both ſides of Deaſon creek, and made a plan thereof, containing two hundred and forty ſix lots, with the neceſſary ſtreets, and hath ſettled the ſame with a number of families — And whereas the eſtabliſhment of the ſame will promote the public good, by extending the ſettlements lower down the Cumberland river, and by facilitating trade and commerce to the diſtrict of Mero,

Section 1 BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the ſpot of ground laid off into a town, containing two hundred and forty ſix lots, numbered from one to two hundred and forty ſix, both numbers incluſive, with the neceſſary ſtreets, is hereby eſtabliſhed a town by the name of Palmyra, agreeably to the plan of the ſaid Brown

Sec. 6. *Be it enacted,* That the ſaid Doctor Morgan Brown, Robert Prince, Richard Miles, Benjamin Thomas and Iſacc Titſworth, be appointed commiſſioners of the ſaid town of Palmyra, with power to eſtabliſh the neceſſary regulations for its government, and to extend its limits upon the ſame plan, as much farther as a majority of the ſaid commiſſioners may judge neceſſary; and in caſe of the death or removal of any of the ſaid commiſſioners, to appoint others in their ſtead, with equal power with themſelves.

CHAP. XXV.

AN ACT *appointing commiſſioners and truſtees, the former to fix on a place in the county of Sumner, and the latter to purchaſe land, erect a court houſe, priſon and ſtocks, and eſtabliſh a town thereon.*—(PASSED APRIL 20, 1796.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That William Bowen, John Wilſon, Iſaac Walton, George D. Blackmore and Hugh Crawford, or a majority of them, be and they are hereby appointed commiſſioners to make choice of a place in the county of Sumner, the moſt conveniently ſituated that can be had upon reaſonable terms, having regard to good water.

Sec. 2. *Be it enacted,* That Henry Bradford, David Shelby and Edward Douglaſs, be, and they are hereby appointed truſtees, with full power and authority to purchaſe two hundred acres of land at the place appointed by the commiſſioners aforeſaid, on the beſt terms that can be had, and to receive a deed or deeds of conveyance for the ſame, which ſhall be good and valid in law, and ſhall veſt in them and their ſucceſſors, a complete title for the uſes in this act expreſſed.

Sec. 3. *Be it enacted,* That the ſaid truſtees ſhall be called and known by the name of the truſtees of the town of *Ca Ira*; and ſhall have full power to elect a ſuitable perſon or perſons to fill any vacancy that may happen in their own body, by death, reſignation, or otherways.

Sec. 4. *Be it enacted,* That the ſaid truſtees ſhall proceed, as ſoon as may be after purchaſing ſaid land, to lay out a town thereon, to be called and known by the name of *Ca Ira*, to conſiſt of ſuch number of lots as they may think proper, of not more than half an acre of land in each lot, with convenient ſtreets, allies and commons, and a public ſquare to contain two acres.

Sec. 5 *Be it enacted,* That the ſaid truſtees be, and they are hereby authoriſed, as ſoon as the ſaid town ſhall be laid out, to proceed to ſell the ſaid lots at public ſale to the higheſt bidder, at ſix months credit, firſt giving thirty days notice of the ſale, by advertiſing the ſame at four of the moſt public places in ſaid county, taking bond with ſufficient ſecurity, for the payment of the purchaſe money, to themſelves and their ſucceſſors ; and the ſaid truſtees, or a majority of them, are hereby authoriſed to ſign, ſeal and deliver to each of the purchaſers of ſaid lots, a deed of conveyance, in fee ſimple, for the ſame, which deeds ſhall be good and valid to all intents and purpoſes.

Sec. 6. *Be it enacted*, That the ſaid truſtees ſhall, as ſoon as the ſaid town is laid out, fix on a convenient place in the public ſquare in ſaid town, to build a court houſe, priſon and ſtocks for the uſe of the ſaid county, which court houſe ſhall be ſufficiently large to contain convenient rooms for juries ; and the ſaid priſon ſhall conſiſt of at leaſt two rooms.

Sec. 7. *Be it enacted*, That the monies ariſing from the ſale of the aforeſaid lots, ſhall be paid to the truſtees, and ſhall be by them applied to the building of the court houſe, priſon and ſtocks aforeſaid ; and the ſaid truſtees are hereby authoriſed to contract with a ſuitable perſon or perſons to erect the ſame.

Sec. 8. *Be it enacted*, That the juſtices of ſaid county be, and they are hereby authoriſed and required to lay a tax not exceeding ſix and one fourth cents on each and every hundred acres of land ; and a tax, not exceeding ſix and one fourth cents, on each white poll between the age of twenty one and fifty years ; a tax not exceeding twelve and one half cents on each black poll between the age of ten and fifty years ; and a tax not exceeding one dollar on each ſtud horſe within ſaid county ; and the ſaid tax or taxes ſhall be collected in the ſame manner that public taxes are ; & the monies ariſing therefrom ſhall be paid by the collector thereof, after retaining the ſame per centum that is allowed by law for the collection of public taxes, into the hands of the ſaid truſtees, to be by them applied to the purchaſe of the aforeſaid land ; and the overplus, if any, ſhall be an additional fund to that before mentioned, to defray the expences of the buildings aforeſaid.

Sec. 9. *Be it enacted*. That the aforeſaid truſtees ſhall enter into bond jointly, in the ſum of two thouſand dollars, payable to the chairman of the court of ſaid county, and his ſucceſſors in office, conditioned for the faithful performance of the duties enjoined on them by this act ; and they ſhall retain a reaſonable compenſation for their trouble in executing the ſame, to be judged of and allowed by the ſaid court of Sumner, out of the fund aforeſaid : *Provided*, that two thirds of the acting juſtices of ſaid county are preſent when ſuch allowance is made.

CHAP. XXVI.

AN ACT *to eſtabliſh the town of Maryville, in the county of* Blount, *and for other purpoſes therein mentioned.*—(PASSED APRIL 23, 1796.)

WHEREAS by an act, entitled, "An act to divide the county of Knox into two diſtinct counties," and for appointing commiſſioners with certain powers therein mentioned, and among others, to obtain a certain quantity of land, by purchaſe or otherwiſe, to lay the ſame out into a town, and to ſell and execute deeds for lots, and apply the monies ariſing from the ſale, to the building a court houſe, which town ſhall be called and known by the name of Maryville—And whereas John Craig hath obligated himſelf to convey to the ſaid commiſſioners fifty acres of land for erecting a court houſe, priſon and ſtocks in and for the ſaid county of Blount, to be laid out into a town for the benefit of ſaid county: And the ſaid commiſſioners having laid out the ſaid fifty acres of land into a town, by the name of Maryville—

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the ſaid fifty acres of land ſhall continue to be a town agreeably to the plan of the ſaid commiſſioners, by the name of Maryville: And that the deed of conveyance, when made from John Craig to the ſaid commiſſioners, for the ſaid fifty acres of land, although made without value received, ſhall be good and valid in law to them and their ſucceſſors in office, for the purpoſe for which the ſaid John Craig hath obligated himſelf to convey the ſame.

Sec. 2 *Be it enacted*, That the citizens of the county of Blount ſhall have the privilege of holding two fairs in each and every year, at the ſaid town of Maryville, for the purpoſe of ſelling all kinds of goods, wares and merchandize, free to every citizen of the ſtate, ſubject to ſuch regulations as may hereafter be eſtabliſhed; and the ſaid fairs ſhall be held on the laſt Wedneſdays in March and October, and may continue for two days each.

CHAP. XXVII.

AN ACT *appointing commiſſioners to contract for the building a court houſe, priſon and ſtocks in the county of Montgomery, at Clarkſville* —(PASSED APRIL 22, 1796)

Section 1 BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That George Neville, ſen. Francis Prince, Heyden Wells, Robert Edmonſon, and Robert Duning, or a majority of them, be, and they are hereby appointed commiſſioners, veſted with full power and authority to contract with ſuch perſon or perſons as they may think proper, to build a court houſe, priſon and ſtocks in Clarkſville.

Sec. 2. *Be it enacted*, That the county court of Montgomery be authoriſed and empowered to lay a county tax for two years, not exceeding twelve and an half cents on each white poll, twenty five cents on each black poll, twelve and an half cents on each hundred acres of land, twenty five cents on each town lot, and one dollar on each ſtud horſe, to be applied to the purpoſe of building ſaid court houſe, &c.

Sec. 3 *Be it enacted*, That ſuch tax ſo laid, ſhall be collected by the ſheriff, and paid into the hands of ſaid commiſſioners, or ſuch of the ſame as ſhall be appointed to receive the ſame, and that he have the ſame per cent. for collecting it, as for other collections.

CHAP. XXVIII.

AN ACT *for erecting part of the county of Hawkins and part of the county of Knox into a ſeparate and diſtinct county.*—PASSED APRIL 22, 1796.

WHEREAS the large extent of the counties of Hawkins and Knox, renders it grievous and burthenſome to many of the inhabitants thereof to attend courts, general muſters, elections and other public meetings therein,

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the ſaid counties of Hawkins and Knox be divided by the following lines: Beginning on the main road leading from Bull's Gap to Haines's iron works, on Moſſy creek, at the houſe of Felps Read, leaving ſaid houſe in the new county, running a direct courſe to the Kentucky road, on the north ſide of Holſton river, a quarter of a mile above the houſe of Thomas Henderſon; thence north fifty degrees weſt to the line that divides this ſtate from the ſtate of Virginia; thence weſt with ſaid line to a point, north weſt of the end of Clinch mountain; thence direct courſe to the end of Clinch mountain; thence with the ridge that divides the waters of Richland and Flat creeks to Holſton river, at the upper end of the firſt bluff above Boyles's old place; thence up the meanders of ſaid river to the mouth of Panther creek; thence up ſaid creek to the head ſpring thereof, near the houſe of John Evans; thence along the main waggon road to the beginning; and all that part of the aforeſaid counties of Hawkins and Knox, contained within the lines before deſcribed, be erected into a ſeparate and diſtinct county by the name of Grainger.

Sec. 2 *Be it enacted*, That David Havley, Major Lee, Benjamin M'Carty, Bartley Marſhall, and James Blair, jun. be, and they are hereby appointed commiſſioners, and are authoriſed to purchaſe and lay off a place the moſt central and convenient in ſaid county of Grainger, for the purpoſe of erecting a court houſe, priſon and ſtocks.

Sec. 3 *Be it enacted*, That the aforeſaid commiſſioners are hereby authoriſed and required, as ſoon as may be, after agreeing on the place whereon the court houſe priſon and ſtocks are to be erected in ſaid county of Grainger, to contract and agree with ſuitable workmen for erecting and building, at the place aforeſaid, a court houſe, priſon and ſtocks, for the uſe and benefit of ſaid county. And the better to enable the commiſſioners aforeſaid, to carry this act into effect

Sec. 4 *Be it enacted*, That a tax not exceeding twelve and a half cents, on each hundred acres of land—a tax, not exceeding twelve and a half cents on each town lot—a tax, not exceeding twenty-five cents, on each ſlave, between the age of ten and fifty years; a tax, not exceeding one dollar, on each ſtud horſe—and a tax not exceeding twelve and a half cents on each free male, between the age of twenty one and fifty years, ſhall be collected in the ſaid county of Grainger every year, not exceeding three years, by the ſheriff or collector of the ſame, and accounted for and paid to the ſaid commiſſioners, at the ſame time and in the ſame manner, and under the like penalties and reſtrictions, as is or may be directed for collecting, accounting for, and paying public taxes.

Sec. 5. *Be it enacted*, That before the ſaid commiſſioners ſhall take into their hands any of the monies directed to be collected by this act, they ſhall enter into bond, in the ſum of fifteen hundred dollars, payable to the governor for the time being, and his ſucceſſors in office, for the uſe of the ſaid county of Grainger, conditioned for the faithful diſcharge of the truſt repoſed in them.

Sec. 6. And for the due adminiſtration of juſtice, *Be it enacted*, That the firſt court of the ſaid county of Grainger ſhall be held, by the juſtices of the ſame, on the ſecond Mondays in June, September, December and March, every year; and the juſtices thereof are hereby authoriſed and empowered to hold the firſt court for the ſame at the houſe of Benjamin M'Carty; and all ſubſequent courts for ſaid county, on the days above mentioned for holding courts therein, at any place to which the ſaid juſtices ſhall from court to court adjourn themſelves, until a court houſe ſhall be built for the ſaid county of Grainger; and then all cauſes, matters and things depending in the ſaid court, and all manner of proceſs returnable to the ſame, ſhall be adjourned to ſuch court houſe: And all courts held in and for the ſaid county of Grainger, ſhall be held by commiſſion to the ſaid juſtices, in the ſame manner, and under the ſame rules and reſtrictions; and ſhall have and exerciſe the ſame powers and juriſdiction, as are or ſhall be preſcribed for the courts for the ſeveral counties in this ſtate

Sec. 7. *Be it enacted*, That the aforeſaid county of Grainger ſhall be, and is hereby declared to compoſe a part of the diſtrict of Hamilton, in the ſame manner, and for all purpoſes civil and military, as other counties in the ſaid diſtrict doth: *Provided*, nothing in this act contained ſhall be ſo conſtrued as to prevent the ſheriffs or collectors of the ſaid counties of Hawkins and Knox from collecting all arrearages of public and county tax within the limits of the ſaid county of Grainger, in the ſame manner as if this act had not been paſſed: And the ſaid county of Grainger ſhall, from and after the paſſing of this act, furniſh four jurors to the ſuperior court of law and equity for the diſtrict of Hamilton aforeſaid.

Sec. 8. *Be it enacted*, That John Cocke and William Payne be, and they are hereby appointed commiſſioners, who are authoriſed to run the dividing lines between the aforeſaid counties; that is, where they are not already run, or particularly pointed out by natural boundaries; for which ſervices, each of the commiſſioners ſhall be allowed two dollars per day, and the markers one dollar per day; the expence to be paid by the aforeſaid county of Grainger.

Sec. 9 *Be it enacted*, That all proceedings now pending in the county courts of Hawkins and Knox, ſhall be proceeded on and determined in the ſame manner as if this law had not been paſſed: *Provided*, nothing herein contained ſhall be conſtrued ſo as to give ſaid county of Grainger ſeparate elections for governor and members of the general aſſembly; but the inhabitants of ſaid county ſhall be entitled to ſuffrage in the county from which they were taken, until the firſt enumeration ſhall be made.

CHAP XXIX

AN ACT *to amend an act, entitled*, "An act, eſtabliſhing a town on Cumberland river, at a place called the Bluff, near the French Lick, and for other purpoſes."—(PASSED APRIL 23 1796.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That Howel Tatom, Richard Croſs, William Tate and William Black, be, and they are hereby appointed truſtees in addition to thoſe appointed by the ſaid act, for the purpoſe of regulating the town of Naſhville.

Sec. 2. *Be it enarted*, That the ſaid truſtees ſhall, and they are hereby authoriſed to reſurvey the ſaid town, agreeable to the direction of the aforeſaid act, as nearly as poſſible, ſo as to do the leaſt poſſible injury to the inhabitants of ſaid town; *Provided*, The ſtreets, buildings and other improvements, already made in ſaid town, ſhall not be altered by the ſaid reſurvey.

Sec. 3. *Be it enacted*, That the ſaid truſtees ſhall, and they are hereby authoriſed to lay off a water ſtreet, to begin at the upper boundary line of the ſaid town, and extend down the river a direct courſe, until it interſects the croſs ſtreet, leading through the lower end of the public ſquare, and from the lower line of the ſaid town to the upper end of the lot number eight.

Sec. 4. *Be it enacted*, That the ſaid truſtees ſhall cauſe the boundaries of the town, or ſuch part thereof as they may judge neceſſary, to be marked by ſufficient land marks of ſtone, and ſhall make out a fair and correct plat, or plan of the ſaid town, which ſhall be recorded in the regiſter's office of Davidſon county; and ſhall thence forward be the plat, or plan, by which every claimant or proprietor of lots in ſaid town, ſhall be regulated in aſcertaining and eſtabliſhing their rights.

Sec 5. *Be it enacted*, That the ſaid truſtees ſhall and they are hereby authoriſed to lay off as much of the land in the ſaid town, between the ſaid water ſtreet and the river, as they, or a majority of them, may judge neceſſary, into lots of ſuch ſize, and with ſuch number of allies as they, or a majority of them, ſhall deem proper, ſo as not to include any ſpring or ſprings, in any of the ſaid lots ſo laid off, which lots, ſtreets and allies ſo laid off as aforeſaid, ſhall be properly numbered and annexed to the plan of ſaid town.

Sec 6. *Be it enacted*, That ſaid truſtees, ſhall as ſoon as the ſaid lots are laid off and numbered as aforeſaid proceed to ſell the ſame at public ſale, on nine months credit, firſt giving forty days notice of ſuch ſale, by advertiſing the ſame in three of the moſt public places in the ſaid county, and taking bond and ſufficient ſecurity for the payment of the purchaſe money to themſelves and their ſucceſſors, to and for the uſes herein after mentioned; and ſhall perfect titles to the purchaſer or purchaſers, in the ſame manner as is directed by the before recited act, at the expence of the purchaſers.

Sec. 7. *Be it enacted*, That the monies ariſing from the ſales of the aforeſaid lots, ſhall be paid into the hands of the commiſſioners aforeſaid, for the purpoſe of building a diſtrict jail and ſtocks, for the uſe of the diſtrict of Mero, and ſhall be by them applied to the uſe of building the ſaid jail and ſtocks, which they, or a majority of them, are hereby authoriſed to do, agreeably to the directions of an act of the general aſſembly of the Territory ſouth of the Ohio, entitled, "An act authoriſing the drawing a lottery in the diſtrict of Mero," for the purpoſe of raiſing a fund for erecting a diſtrict jail and ſtocks in the town of Naſhville.

Sec. 8. *Be it enacted*, That the ſaid truſtees ſhall have power to contract with an able ſurveyor, and two chain carriers, to reſurvey the ſaid town, and fix marks to the ſaid boundaries thereof, as required by this act, who ſhall be paid for their ſervices by the ſaid commiſſioners, for erecting the aforeſaid jail and ſtocks, out of the funds ariſing from the ſales aforeſaid.

Sec. 9. And whereas the religious ſociety, called the Methodiſt, have erected a meeting houſe on the public ſquare, in Naſhville, and ought to have the uſe thereof ſecured to them, *Be it enacted*, That the truſtees of the town aforeſaid, ſhall, and they are hereby authoriſed to execute a deed to five perſons, ſuch as the ſaid ſociety ſhall appoint, for the land whereon the ſaid houſe ſtands, to include twenty feet on each ſide and end of ſaid houſe; which ſhall veſt in the ſaid appointees of the ſaid ſociety, a title to, and for the uſes, and with the expreſs limitations following, viz. Said meeting houſe ſhall be, and remain to the uſe of the ſaid ſociety, ſo far only as to give a right to their miniſters to preach therein; but ſhall not extend to authoriſe them to debar or deny to any other denomination of Chriſtians the liberty of preaching therein, unleſs when immediately occupied by the ſaid ſociety; nor ſhall the ſaid appointees have power to alien their title to the ſame, to any perſon or perſons whatſoever, except to the truſtees of Naſhville, to and for the uſes of ſaid town.

Sec. 10. *Be it enacted*, That the truſtees of Naſhville ſhall have power to lay off, and appoint ſuitable places, on ſaid public ſquare, for any religious ſect, to erect a houſe or houſes of public worſhip on, under the ſame rules and reſtrictions that are above preſcribed for the ſociety aforeſaid.

CHAP. XXX.

AN ACT *to divide the county of Tenneſſee into two diſtinct counties, taking alſo a part of the weſt end of Sumner county.* (PASSED APRIL 9 1796.)

Section 1 BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the county of Tenneſſee be divided by a line as follows, viz. Beginning at the upper end of the firſt bluff above James McFarlin's, on Red river, near Allen's cabins, running from thence a direct courſe to the Sulphor Fork, one quarter of a mile below Elias Fort's, thence up the creek as it meanders, to the mouth of Bruſh creek, thence up the ſame as it meanders, to the head, thence a direct courſe to the Davidſon county line, at the mouth of Sycamore creek, thence up ſaid Sycamore creek, with the Davidſon county line, to the Sumner county line, thence with the extreme height of the dividing ridge, eaſtwardly to the Kentucky road, leading from Naſhville, thence northwardly, with ſaid road, to the Kentucky ſtate line, thence weſt with ſaid line, to ſuch place as a ſouth eaſt courſe, leaving Joſeph French in the lower county, will ſtrike the beginning: And all that part contained in the ſaid boundary, henceforth be erected into a new and diſtinct county by the name of Robertſon; and the other part thereof be and remain a ſeparate and diſtinct county, by the name of Montgomery.

Sec. 2 *Be it enacted*, That William Johnſton, ſen. James Norflet, John Young, John Donelſon, and Samuel Crocket, be, and they are hereby appointed commiſſioners, and authoriſed to appoint and lay off a place the moſt central and convenient in ſaid county of Robertſon, for the purpoſes of erecting a court houſe, priſon and ſtocks.

Sec. 3 *Be it enacted*, That the aforeſaid commiſſioners are hereby authoriſed and required, as ſoon as may be, after agreeing on the place whereon the court houſe, priſon and ſtocks are to be erected in ſaid county of Robertſon, to contract and agree with ſuitable workmen for erecting and building, at the place aforeſaid, a court houſe, priſon and ſtocks, for the uſe and benefit of ſaid county.

Sec. 4 And the better to enable the commiſſioners aforeſaid, to carry this act into effect—*Be it enacted*, That a tax not exceeding twelve and a half cents on each hundred acres of land—a tax, not exceeding twentty five cents on each town lot—a tax, not exceeding twenty five cents, on each ſlave, between the age of ten and fifty years; and a tax not exceeding twelve and an half cents on each white male, between the age of twenty one and fifty years, ſhall be collected in the ſaid county of Robertſon, for two years, by the ſheriff or collector of the ſame, and accounted for and paid to the ſaid commiſſioners, at the ſame time and in the ſame manner, and under the like penalties and reſtrictions, as is or may be directed for collecting, accounting for, and paying public taxes.

Sec. 5. *Be it enacted*, That before the ſaid commiſſioners ſhall take into their hands any of the monies directed to be collected by this act, they ſhall enter into bond, in the ſum of one thouſand dollars, payable to the governor and commander in chief for the time being, and his ſucceſſors conditioned for the faithful diſcharge of the truſt repoſed in them.

Sec. 6. And for the due adminiſtration of juſtice, *Be it enacted*, That the court for the ſaid county of Robertſon ſhall be held conſtantly by the juſtices of ſaid county on the third Mondays in January, April July and October, in every year; and the juſtices for ſaid county of Robertſon are hereby authoriſed and empowered to hold the firſt court for the ſame at the houſe of Jacob M'Carty; and all ſubſequent courts for ſaid county, on the days above mentioned for holding courts therein, at any place to which the ſaid juſtices ſhall from court to court adjourn themſelves, until a court houſe ſhall be built for the ſaid county of Robertſon; and then all cauſes, matters and things depending in the ſaid court, and all manner of proceſs returnable to the ſame, ſhall be adjourned to ſuch court houſe: And all courts held in and for the ſaid county of Robertſon, ſhall be held by commiſſion to the ſaid juſtices, in the ſame manner, and under the ſame rules and reſtrictions; and ſhall have and exerciſe the ſame powers and juriſdiction as are or ſhall be preſcribed for courts for the ſeveral counties in this ſtate

Sec. 7. *Be it enacted*. That the aforeſaid county of Robertſon ſhall be, and is hereby declared to compoſe a part of the diſtrict of Mero, in the ſame manner, and for all purpoſes civil and military, as it did when it ſtood undivided: *Provided* nothing in this act contained ſhall be ſo conſtrued as to prevent the ſheriff or collector of the taxes of the county of Tenneſſee from collecting the ſame, both public and county, within the limits of the ſaid county of Robertſon, which are at this time in arrearages, in the ſame manner as if this act had not been paſſed; and the ſaid county of Robertſon, from and after the paſſing of this act ſhall furniſh ſix, and the county of Montgomery ſix jurors to the ſuperior court of law and equity for the diſtrict of Mero aforeſaid.

Sec. 8 *Be it enacted*, That Barclay William Pollock and Joſeph Carmack be appointed commiſſioners, who are authoriſed to run the dividing lines between the aforeſaid counties; that is, where they are not already run, or particularly pointed out by natural boundaries; for which ſervices each of the commiſſioners ſhall be allowed two dollars per day, and the markers each one dollar per day, the expences to be equally paid by the aforeſaid counties.

Sec. 9 *Be it enacted*, That all proceedings now pending in the county court of Tenneſſee, ſhall be proceeded on and determined in that part of ſaid county now called Montgomery, in the ſame manner as if this law had not paſſed.

CHAP XXXI

AN ACT *to divide the county of Waſhington into two diſtinct counties.*

(PASSED APRIL 9, 1796)

WHEREAS the extent of Waſhington county is ſo great, that the inhabitants living in the upper end thereof, labour under conſiderable difficulties and inconveniences in attending courts, general muſters, elections, and other public duties—for remedy whereof,

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the county of Waſhington be divided by a line as follows: Beginning on the line that divides this ſtate from the ſtate of North Carolina, at a point from which a line to be drawn due north, will ſtrike th houſe of George Haines—thence the neareſt direction to the top of the Buffaloe mountain—thence along the heights of the ſaid mountain, to the high knob on the ſame, near the north end thereof—thence a direct line to the houſe where Jonathan Tipton, jun now lives, leaving ſaid houſe in Waſhington county—thence a direct line to the ſouth bank of Watauga river, at Jeremiah Dungan's ford—thence due north to the Sullivan line; and all that part lying to the eaſt of ſaid lines, henceforth be erected into a new and diſtinct county by the name of Carter.

Sec 2 *Be it enacted*, That Landon Carter, Reuben Thornton, Andrew Greer, ſen. Zachariah Campbell, and David M'Nabb, or a majority of them, be, and are hereby appointed commiſſioners, and authoriſed to appoint, fix on, and lay out a place the moſt ſuitable and convenient in ſaid county, for the purpoſe of erecting a court houſe, priſon and ſtocks.

Sec. 3. *Be it enacted*, That the aforeſaid commiſſioners are hereby authoriſed and required, as ſoon as may be, after agreeing on the place whereon the priſon, court houſe and ſtocks are to be erected in ſaid county, to contract and agree with ſuitable workmen for erecting and building at the place aforeſaid, a court houſe, priſon and ſtocks for the uſe and benefit of ſaid county.

Sec. 4. And the better to enable the commiſſioners aforeſaid to carry this act into effect, *Be it enacted*, That a tax of twelve and an half cents on each hundred acres of land—a tax of twenty five cents on each town lot—a tax of twenty five cents on each ſlave between the age of ten and fifty years—and a tax of twelve and a half cents on each white male between the age of twenty one and fifty years, ſhall be collected in the ſaid county for two years, by the ſheriff or collector of the ſame, and accounted for and paid to the ſaid commiſſioners, at the ſame time and in the ſame manner, and under the like penalties and reſtrictions as is or may be directed for collecting, accounting for, and paying public taxes.

Sec 5. *Be it enacted*, That before the ſaid commiſſioners ſhall take into their hands any of the monies directed to be collected by this act, they ſhall enter into bond in the ſum of one thouſand five hundred dollars, payable to the governor and commander in chief for the time being, and his ſucceſſors, conditioned for the faithful diſcharge of the truſt repoſed in them.

Sec. 6. And for the due adminiſtration of juſtice in ſaid county, *Be it enacted*, That the court for the ſaid county of Carter ſhall be held conſtantly by the juſtices of ſaid county, on the firſt Mondays in April, July, October, and January, in every year: And the juſtices for ſaid county of Carter are hereby authoriſed and empowered to hold the firſt court for the ſame at the houſe of Samuel Tipton; and all ſubſequent courts for ſaid county, on the days above mentioned for holding courts therein, at any place to which the ſaid juſtices ſhall from court to court adjourn themſelves, until a court houſe ſhall be built for the ſaid county of Carter, and then all cauſes, matters and things depending in ſaid court, and all manner of proceſs returnable to the ſame, ſhall be adjourned to ſuch court houſe; and all courts held in and for the ſaid county of Carter, ſhall be held by commiſſion to ſaid juſtices, in the ſame manner, and under the ſame rules and reſtrictions, and ſhall have and exerciſe the ſame power and juriſdiction as are or ſhall be preſcribed for the courts for the ſeveral counties in this ſtate.

Sec. 7 *Be it enacted*, That the aforeſaid county of Carter ſhall be, and is hereby declared to compoſe a part of the diſtrict of Waſhington, in the ſame manner, and for all purpoſes civil and military, as it did when it ſtood undivided from the county of Waſhington. And the ſaid county of Carter, from and after the paſſing of this act, ſhall furniſh three, and the county of Waſhington ſeven jurors to the ſuperior courts of law and equity for the diſtrict of Waſhington aforeſaid.

Sec. 8 *Be it enacted*, That Joſeph Brown and Nathaniel Taylor, be appointed commiſſioners, who are authoriſed to run the dividing lines between the aforeſaid counties; that is, where they are not already run, or particularly pointed out by natural boundaries; for which ſervices the ſaid commiſſioners ſhall each be allowed two dollars per day, and the markers one dollar per day, the expence equally to be paid by the aforeſaid counties.

Sec. 9 *Be it enacted*, That the preſent ſheriff or collector of Waſhington county, be authoriſed to collect all arrearages of public taxes which by law he was authoriſed to collect, in the ſame manner that he might or could do when the ſaid county of Waſhington ſtood undivided.

CHAP XXXII

An ACT *for eſtabliſhing a town in Robertſon county by the name of Springfield*.—PASSED APRIL 20, 1796.

WHEREAS by an act paſſed this ſeſſion, John Donellon, William Johnſon, ſen. John Young, James Norflet, and Samuel Crocket, are appointed commiſſioners, and authoriſed to lay off, and appoint a place, the moſt centrical and convenient in the county of Robertſon, for the purpoſe of erecting a court houſe, priſon and ſtocks: *And whereas* ſaid commiſſioners are, by the ſaid act, authoriſed to receive certain monies therein appropriated to the aforeſaid purpoſes:

BE *it enacted by the General Aſſembly of the State of Tenneſſee* That the ſaid commiſſioners be, and they are hereby authoriſed to appropriate and lay out ſuch part of ſaid monies, in the purchaſe of fifty acres of land, to lay the ſame out into a town, and to ſell and execute deeds for lots, and to apply the money (or part thereof) ariſing from the ſale, to the building a court houſe, priſon and ſtocks; which town ſhall be called and known by the name of *Springfield*: And the ſaid commiſſioners ſhall give bond and ſecurity to the governor, or his ſucceſſors in office, in the penal ſum of one thouſand dollars; conditioned for the due application of ſuch ſums of money as ſhall come to their hands for the purpoſes before expreſſed; and well and truly to account for the ſame, to and with the court of the ſaid county of Robertſon, which bond ſhall be filed in the office of the clerk of the ſaid county.

CHAP. XXXIII

An ACT *for regulating the town of Joneſborough, and for erecting, building or repairing the court houſe, priſon and ſtocks, in ſaid town*—(PASSED APRIL 23, 1796.)

WHEREAS the aſſembly of the ſtate of North Carolina, in the year one thouſand ſeven hundred and ſeventy nine, paſſed an act, entitled "An act to eſtabliſh and lay out a town in Waſhington county," which act is as follows:

Sec. 1 Whereas one hundred acres of land, at a place fixed on for erecting the court houſe and public buildings of Waſhington county, hath already been purchaſed by the commiſſioners appointed by law to affix the court houſe of Waſhington county, for the purpoſe of erecting a town thereon: And repreſentation being made to this preſent general aſſembly, that the inhabitants of ſaid county would be greatly benefited thereby; alſo, to traders and artificers, to have a town laid off and eſtabliſhed by law on ſaid land:

Sec 2 *Be it enacted by the General Aſſemblby of the State of North Carolina, and it is hereby enacted by the authority of the ſame* That a town be eſtabliſhed on the land purchaſed for the uſe of the county of Waſhington, by the name of Joneſborough; and that John Wood, Jeſſe Walton, George Ruſſell, James Stuart, and Benjamin Clerk, be commiſſioners, to lay out and direct the buildings of the ſaid town of Joneſborough; and that the commiſſioners, or a majority of them, as ſoon as may be after the paſſing of this act, do ſet apart a lot of ground convenient and ſufficient for the public buildings in ſaid town; and alſo lay out fifty other lots, to contain one acre each, with convenient ſquares and ſtreets; and the overplus of ſaid land, if any, to remain as common to the uſe of ſaid town, until it ſhall by law be appropriated to other uſes; and that the ſaid commiſſioners or a majority of them, ſhall have full power and are hereby directed to make, or cauſe to be made, a fair plan of ſaid town, and number the lots, and take ſubſcription for ſaid lots, of ſuch perſons as may be willing to ſubſcribe for the ſame; and when the whole number of lots ſhall be ſubſcribed for, the commiſſioners aforeſaid ſhall give public notice, and appoint a day for drawing ſaid lots, which ſhall be done by ballot, in a fair and open manner, by the direction and inſpection of a majority of ſaid commiſſioners; and ſuch ſubſcriber ſhall be entitled to the lot or lots drawn for him, correſponding with the number contained in the plan of ſaid town; and the ſaid commiſſioners, or a majority of them, are hereby empowered to grant a good and ſufficient title, in fee ſimple, for the ſaid lots, at the coſts of the ſubſcribers

Sec 3 *Be it further enacted by the authority aforeſaid,* That each reſpective ſubſcriber for any lot in ſaid town, ſhall, at the ſubſcribing for the ſaid lots, pay ſeventy five dollars for each and every lot, into the hands of the ſaid commiſſioners, or any one of them, as they ſhall appoint, who, after deducting ſuch part of thoſe monies as the court ſhall adjudge a reaſonable compenſation for their trouble, are hereby directed and required, within three months after the lots are drawn for, to pay the remainder of all ſaid monies, into the hands of ſaid commiſſioners, who ſhall account with their reſpective county courts, who ſhall apply all the aforeſaid monies toward defraying the county contingent tax

Sec. 4. *Be it enacted by General Aſſembly of the State of Tenneſſee,* That the ſaid act is hereby declared to be in force in this ſtate, except ſo much as is repealed by this act, or comes within the purview and meaning thereof.

Sec. 5. And that the ſaid act may be carried into full effect, *Be it enacted,* That all ſales of lots in the ſaid town, under the before recited act, where the purchaſe money has been paid, are hereby declared good and valid, and ſhall enure to the reſpective purchaſers without imputation of laches, or to ſuch perſon or perſons who may hold the ſame, by virtue of any purchaſe of the right of ſuch firſt purchaſer.

Sec. 6. And whereas the commiſſioners heretofore by law appointed for the ſaid town, have, by refuſal to act, removal, and other occurrences, been reduced to a number too ſmall to act: therefore, *Be it enacted*, That David Deaderick, ſenior, John Sevier junior, Chriſtopher Taylor, John Tipton, Adam Reader, John Blair, John Adams, William Cheſter, Allen Gilleſpie, Thomas Embree and Robert Alliſon be, and they are hereby appointed commiſſioners for the ſaid town; and ſhall and may take upon them the regulation and management, having regard to the manner and form the ſaid town has heretofore been laid off by James King, as if the ſame had been done under the directions of any former commiſſioners, by law appointed for that purpoſe; and the ſaid commiſſioners ſhall have further authority to lay off into one acre lots, any of the ſaid lands belonging to the town aforeſaid, which have not yet been ſold or appropriated, to be laid out with convenient ſtreets, lanes and allies.

Sec. 7 *Be it enacted*, That the ſaid commiſſioners, from and after the paſſing this act, ſhall be, and they and every of them are hereby conſtituted directors and truſtees for deſigning and improving the ſaid town; and they ſhall ſtand ſeized of an indefeaſible eſtate of the land heretofore laid out, for the uſe and purpoſes of the ſaid town, to and for the uſes, intents and purpoſes hereby expreſſed and declared; and they, or a majority of them, ſhall have power and authority to meet as often as they ſhall think neceſſary, and cauſe a plan of the ſaid town to made, obſerving accurately in making the ſame, the lines and courſes mentioned in the aforeſaid plan of ſaid town, made by the ſaid James King, which plan is hereby declared and eſtabliſhed to be the true plan of the ſaid town, and therein to inſert the number and mark of each lot; and as ſoon as the ſaid lots are laid off as aforeſaid, the ſaid directors, or a majority of them, ſhall make and execute deeds for granting and conveying the ſaid lands, in lots as aforeſaid, to the original purchaſers in this act before mentioned, their heirs or aſſigns, or to him or them who by public or private purchaſe or ſale, have become poſſeſſed of the right veſted in any of the ſaid original purchaſers; which ſale or ſales of any of the ſaid lots, ſhall be good and valid to convey and transfer all the right, which any of the ſaid original purchaſers was poſſeſſed of, to the purchaſers, any law, uſage, or cuſtom to the contrary notwithſtanding.

Sec. 8. *Be it enacted*, That all the lots which remain of the ſaid lands belonging to ſaid town, after that deeds for granting ſhall be made of all the lots ſeverally purchaſed originally, and appropriated as aforeſaid, to the perſon or perſons entitled thereto as aforeſaid ſhall be ſold by the ſheriff, in lots of one acre each, by or under the directions of ſaid commiſſioners, or a majority of them, and in ſuch manner as the ſaid commiſſioners ſhall direct, to the beſt advantage, who, or a majority of them, ſhall make and execute deeds for granting the ſaid lands, in lots as aforeſaid to the purchaſers. And every perſon or perſons, claiming or holding any lot or lots, by virtue of ſuch conveyance, ſhall and may hold and poſſeſs the ſame in fee ſimple.

Sec 9. *Be it enactd*, That ſaid commiſſioners, before they enter on their truſt, or take into their hands any of the monies directed to be collected by this or any former act, ſhall enter into bond in the ſum of four thouſand dollars, payable to the governor for the time being, or his ſucceſſors in office, for the uſe of the county, conditioned for the faithful diſcharge of the truſt repoſed in them; and ſhall take an oath for the faithful diſcharge of their reſpective duties, as commiſſioners, according to the directions and meaning of this act.

Sec. 10. *Be it enacted*, That the ſaid commiſſioners, or a majority of them, be, and are hereby appointed and required as ſoon as may be, to agree and contract with workmen, for erecting and building, or repairing and finiſhing, in the ſaid town of Joneſborough, a court houſe, priſon, and ſtocks; and when the ſame is built and finiſhed, it ſhall be and remain to the uſe of the diſtrict and county of Waſhington.

Sec. 11. *Be it enacted*, That a tax to enable the commiſſioners to carry this act into effect, not exceeding nine cents on every hundred acres of land; nine cents on every white poll between the age of twenty one and fifty years; eighteen cents on each ſlave, between the age of twelve and fifty years, may be collected in the county of Waſhington, at the direction of a majority of the acting juſtices of ſaid county, by the ſheriff thereof, for two years, and accounted for and paid to the ſaid commiſſioners, in the ſame manner, at the ſame time, and under the like penalties and reſtrictions, as is or may be directed for collecting, accounting for and laying other public taxes; which monies, together with the monies ariſing from the ſale of all lots in the ſaid town not heretofore appropriated, ſhall be applied by the ſaid commiſſioners, to the uſes and purpoſes aforeſaid.

Sec 12. *Be it enacted*, That the commiſſioners are hereby empowered and required, if it ſhould by them be deemed requiſite, to call to account all holders of monies collected or accruing in any manner whatever, under any former act or acts, paſſed for eſtabliſhing or regulating the town of Joneſborough, to bring ſuit or ſuits againſt the ſame, by action of debt, in the name of the governor for the time being, and apply the ſame, when recovered, to the uſes and purpoſes aforeſaid.

Sec. 13 *Be it enacted*, That if any diſputes ſhall hereafter ariſe or be, reſpecting any of the lots in ſaid town, between different claimants, in that caſe none of the commiſſioners who may be intereſted or related by conſanguinity or affinity to either of the parties, ſhall ſit on the adjuſtment of ſuch diſpute.

Sec 14. *Be it enacted*, That the remaining part of the aforeſaid act of North Carolina, not recited in this act; and an act of the governor, legiſlative council and houſe of repreſentatives of the late territory of the United States of America ſouth of the river Ohio, *entitled*, "An act for appointing commiſſioners in the diſtrict of Waſhington, for the purpoſe of erecting a court houſe, priſon and ſtocks in the county of Waſhington, for the uſe of ſaid diſtrict; and for levying a tax to complete the ſame: alſo, for the regulation of the town of Joneſborough," be, and the ſame is hereby repealed and made void

CHAP. XXXV.

An ACT *to aſcertain a line between Knox Jefferſon, and Sevier counties.*

(PASSED APRIL 22, 1796)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That Joſeph Greer, Abraham M'Clery and William Bailes, or a majority of them, be, and they are hereby appointed commiſſioners to run the lines between the counties of Knox and Sevier, agreeably to an act of the governor, legiſlative council, and houſe of repreſentatives of the Territory of the United States of America ſouth of the rifor Ohio, entitled, " An act to divide Jefferſon county into two diſtinct counties."

Sec. 2. *Be it enacted,* That two dollars per day be allowed each of the above commiſſioners for their ſervices in running ſaid lines; and one dollar per day be allowed a marker, the expence to be equally borne by the aforeſaid counties of Knox and Sevier.

Sec 3. *Be it enacted,* That the aforeſaid commiſſioners ſhall have full power to begin the aforeſaid line at any point they may chuſe, ſo as to aſcertain the lines, on or before the firſt day of Auguſt next, according to the true intent and meaning of the aforeſaid act.

Sec. 4. *Be it enacted,* That the inhabitants living on the aforeſaid diſputed ground, ſhall do their duty in Knox county, until ſuch line ſhall be aſcertained.

CHAP. XXXV.

An ACT *to aſcertain the lines between Blount and Sevier counties.*

(PASSED APRIL 20, 1796.)

WHEREAS the lines between Sevier and Blount counties have not been ſufficiently aſcertained, to prevent diſputes between the citizens of ſaid counties,

BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the line dividing Sevier and Blount counties, begin at where the ſaid lines interſect on the top of Bay's Mountain; thence taking the ridge that divides the waters of Little River from the waters of French Broad, and with ſaid ridge to the eaſtern boundary of this ſtate.

JAMES WINCHESTER,
Speaker of the Senate.

JAMES STUART, S. H. R.

A Copy, Teſt.

Wm. MACLIN, Sec'ry.

A C T S

PASSED AT THE SECOND SESSION OF THE FIRST GENERAL ASSEMBLY OF THE STATE OF TENNESSEE,

BEGUN AND HELD AT KNOXVILLE ON SATURDAY, THE
THIRTIETH DAY OF JULY, ONE THOUSAND SEVEN
HUNDRED AND NINETY SIX.

CHAPTER I.

An ACT *directing the mode of electing one repreſentative to repreſent this ſtate in the Congreſs of the United States.* (PASSED AUGUST 3 1796.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That an election ſhall be held at the reſpective court-houſes in each county in this ſtate, on the firſt Thurſday in October next, and on the day next ſucceeding, to elect one repreſentative to repreſent this ſtate in the Congreſs of the United States, which election ſhall be conducted under the ſame rules, regulations and reſtrictions as elections for members of the general aſſembly.

Sec. 2 *Be it enacted,* That the perſon elected ſhall have been a citizen or reſident of this ſtate, three years next immediately preceding the day of election: *Provided,* That this ſhall not be conſtrued to extend to any perſon who was a citizen or reſident of this ſtate at the time of making the conſtitution thereof.

Sec 3. *Be it enacted,* That immediately after the cloſe of the election in each county, the ſheriff or other returning officer, ſhall, in the preſence of the inſpectors of the election, make out two correct ſtatements of the number of votes given to each candidate in his county, which two ſtatements ſhall be certified by the ſaid ſheriff or other returning officer and a majority of the inſpectors, one of the ſaid ſtatements ſhall, by the inſpectors, be filed in the office of the clerk of the county; and the ſheriff or other returning officer, by himſelf or his deputy, ſhall attend with the other, on the day and at the place herein after mentioned.

Sec. 4. *Be it enacted,* That the returning officers for the ſeveral counties in the diſtrict of Waſhington, by themſelves or their deputy, ſhall meet at Joneſborough, on the fourth day after the laſt day of the election, and in the preſence of three juſtices of the peace, to be ſummoned for that purpoſe, proceed to examine and compare the ſeveral certified ſtatements as aforeſaid; and ſhall make out and certify, under their hands and ſeals, a general ſtatement of the number of votes given for each of the candidates in the ſeveral counties in the ſaid diſtrict, which ſaid general ſtatement ſhall alſo be certified by the juſtices attending as aforeſaid: And in like manner the returning officers for the ſeveral counties in the diſtrict of Hamilton, ſhall meet at Knoxville, on the ſame day beforeappointed, and proceed to make out a general ſtatement of the votes given for each of the candidates in the ſeveral counties in the ſaid diſtrict, in the ſame manner as before directed for the returning officers of the diſtrict of Waſhington: And in like manner the returning officers for the ſeveral counties in the diſtrict of Mero, ſhall meet at Naſhville, on the ſame day before appointed, and ſhall proceed to make out a general ſtatement of the votes given for each candidate in the ſeveral counties in the ſaid diſtrict in the like manner before directed for the diſtrict of Waſhington; which ſaid general ſtatements ſhall be produced at Knoxville, on the fifteenth day after the day of ſaid election, by one of the returning officers attending with the ſame from each of the diſtricts aforeſaid. And in order to aſcertain which of the ſaid returning officers ſhall ſo attend, they are hereby required to determine the ſame by lot or otherwiſe: And the ſaid officers being ſo met as aforeſaid, ſhall in the preſence of three juſtices of the peace, to be ſummoned for that purpoſe, proceed to examine and compare all the votes given by the electors in the ſeveral counties in this ſtate, and ſhall certify to the governor which of the candidates ſhall have the greateſt number of votes.

Sec 5. *Be it enacted*, That if two or more candidates have the ſame number of votes, the ſaid returning officers ſhall decide which of them ſhall be repreſentative, in the ſame manner as grand jurors are by law drawn for.

Sec. 6. *Be it enacted*, That if any ſheriff, coroner, or his deputy, ſhall fail to attend, and return a ſtatement as aforeſaid, of the election in his county, on the day and place as required by this act, he ſhall forfeit and pay the ſum of five hundred dollars, one half to the uſe of the ſtate, the other half to him who will ſue for the ſame, to be recovered by action of debt in any court of record in this ſtate, unleſs good and ſufficient cauſe be ſhewn for ſuch non attendance.

Sec. 7. *Be it enacted*, That the perſon who ſhall be duly elected a repreſentative under this act, ſhall produce the certificate of his election, obtained as by this act directed, to the governor of this ſtate, who, on receiving the ſame, is hereby empowered and required to grant a commiſſion, certifying his appointment as repreſentative aforeſaid.

Sec. 8. *Be it enacted*, That each of the ſheriffs or other returning officers, attending as by this act required, ſhall be allowed the ſum of one dollar and ſeventy five cents for every thirty miles travelling to and from the place appointed for the ſaid ſheriffs or returning officers to convene, and the ſame for each day he ſhall neceſſarily attend, comparing the returns of the ſaid elections, which ſhall be aſcertained on oath before the ſaid juſtices of the peace attending as in this act mentioned, and a certificate thereof ſigned by the ſaid juſtices, ſhall be given to each ſheriff or returning officer reſpectively, to be paid out of the public treaſury of this ſtate, by either of the treaſurers of the ſame.

Sec 9. *Be it enacted*, That if any perſon ſhall be found guilty of having committed any fraud in performing the duties enjoined by this act, he ſhall, on conviction thereof, forfeit and pay the ſum of five hundred dollars, one half thereof to the uſe of the ſtate, the other half to him who will ſue for the ſame, to be recovered with coſts in any court of record in this ſtate.

Sec. 10. *Be it enacted*, That an act, entitled, "An act directing the mode of electing repreſentatives to repreſent this ſtate in the Congreſs of the the United States," paſſed at Knoxville, at an aſſembly begun and held on the 28th day of March, 1796, is hereby repealed and made void: And that this act ſhall be in force from and after the paſſing thereof.

CHAP. II.

AN ACT *for laying and collecting an additional county tax.*

(PASSED AUGUST 5, 1796.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That an additional county tax, not exceeding twelve and an half cents, on every hundred acres of land; a tax not exceeding twenty five cents on each town lot,; a tax on each ſtud horſe, not exceeding the ſum demanded by the owner for the ſeaſon of one mare; a tax not exceeding twenty five cents, on each taxable black poll; a tax not exceeding twelve and an half cents on each free male citizen in each county in this ſtate, may be laid by the juſtices of the county courts reſpectively, for the year one thouſand ſeven hundred and ninety ſeven, for the payment and diſcharging of county contingencies: And the ſaid tax, when laid, ſhall be collected, paid and accounted for under the ſame rules, regulations, reſtrictions and penalties as is by law provided in like caſes: *Provided*, This tax ſhall be laid and collected for the year one thouſand ſeven hundred and ninety ſeven, and no longer.

Sec 2 Be *it enacted* That nothing herein contained ſhall be ſo conſtrued as to extend to the counties of Davidſon, Montgomery, Sumner, Robertſon, Waſhington and Hawkins.

CHAP. III.

AN ACT *directing the mode of electing the ſeveral officers, whoſe appointments are by the conſtitution veſted in the county courts of pleas and quarter ſeſſions.* —— (PASSED AUGUST 6, 1796.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That where any vacancy may happen by death, reſignation, or otherwiſe, the right of which appointment is by the conſtitution veſted in the county courts, then and in that caſe, ſuch court ſhall hold an open and free election on the ſecond day of the term in which ſuch appointment is to be made, admiting all citizens to the privilege of offering as candidates, except ſuch as are prohibited by the conſtitution or ſome of the exiſting laws of this ſtate.

Sec. 2. *Be it enacted*, That it ſhall be the duty of the chairman of any of the aforeſaid courts, or any other juſtice acting in his place, to cauſe public notice, in writing, to be ſet upon the door of the court houſe upon the firſt day of the term in which ſuch election is to be held, ſignifying and ſetting forth, under his hand, which of the offices may be vacant, and the time preſcribed by this act for filling the ſame; any law, uſage or cuſtom to the contrary notwithſtanding.

CHAP. IV.

AN ACT *providing for the election of electors to elect a Preſident and Vice Preſident of the United States.*— (PASSED AUGUST 8, 1796.)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That three electors ſhall be elected, one in the diſtrict of Waſhington, one in the diſtrict of Hamilton and one in the diſtrict of Mero, as directed by this act, to elect a Preſident and Vice Preſident of the United States, and that the ſaid electors may be elected with as little trouble to the citizens as poſſible,

Sec. 2. Be *it enacted*, That John Carter, John Adams and John M'Colliſter, of the county of Waſhington—John Scott, Richard Gamſon and James Gains, of Sullivan county—Daniel Kenneday, Joſeph Hardin and James Stinſon, of the county of Greene, and Richard Mitchel, John Young and Bartlet Marſhall, of the county of Hawkins, are appointed electors to elect an elector for that purpoſe, for the diſtrict of Waſhington.—John Adair, Charles M'Clung and Samuel Flannagan, of the county of Knox—Andrew Henderſon, Joſiah Jackſon and Chriſtoper Hains, of the county of Jefferſon—Samuel M'Gahey, Joſhua Gilſt, Alexander Montgomery, of the county of Sevier, and Robert Baird, William Lowry and David Caldwell, of Well'ss Station, of the county of Blount, are appointed electors to elect an elector for the purpoſe aforeſaid, for the diſtrict of Hamilton.—Thomas Molloy, William Donelſon and George Ridley, of the county of Davidſon—Kaſper Manſco, Edward Douglaſs and John Hogan, of the county of Sumner—George Neville, ſenior, Joſiah Fort and Thomas Johnſon, of the late county of Tenneſſee, are appointed electors to elect an elector in the diſtrict of Mero, for the purpoſe aforeſaid.

Sec 3. *Be it enacted*, That where any new county has been erected ſince the making of the conſtitution of this ſtate, ſuch new county or counties, ſhall, for the purpoſe aforeſaid, be conſidered as belonging to the county or counties from which it was taken: And where a county has been laid out into two new counties, ſuch two new counties ſhall be conſidered as one, until ſuch county or counties be entitled to ſeparate repreſentation.

Sec. 4 *Be it enacted*, That no perſon ſhall be elected an elector for the purpoſe aforeſaid who has not been three years a reſident in the diſtrict for which he is elected, immediately preceding the day of his election: *Provided*, this ſhall not extend to any perſon who was a reſident of the diſtrict at the time of making the conſtitution.

Sec 5. Be *it enacted*, That the electors in this act before named, ſhall convene, thoſe for the diſtrict of Waſhington, at Joneſborough; thoſe for the diſtrict of Hamilton, at Knoxville; and thoſe for the diſtrict of Mero, at Naſhville, on the ſecond Monday of November next: And being ſo convened, they, or ſo many of them as ſhall attend on ſaid day, proceed to elect, by ballot, an elector, qualified as by this act directed for the purpoſe aforeſaid: *Provided neverthelefs*, that no perſon ſhall be elected an elector, who is not qualified as by law required to be a member of the general aſſembly: and if two or more perſons ſhall have the ſame number of votes, it ſhall be dicided in the ſame manner as grand jurors are drawn for in the ſuperior courts.

Sec. 6. *Be it enacted*, That the electors before named for each diſtrict reſpectively, ſhall give to the perſon elected an elector as aforeſaid, a certificate under their hands and ſeals, of his election aforeſaid, which certificate ſhall be teſted by a juſtice of the peace ſummoned for that purpoſe.

Sec. 7. *Be it enacted*, That the three electors, elected as by this act directed, ſhall convene at Knoxville on the firſt Wedneſday of December next, and proceed to elect a Preſident and Vice Preſident of the United States, purſuant to act of Congreſs in that caſe made and provided.

Sec. 8. Be *it enacted*, That each of the electors elected for the purpoſe aforeſaid, ſhall be allowed the ſum of one dollar and ſeventy five cents for every twenty five miles he ſhall travel to and from the ſaid place of election, and the ſame for each day he ſhall neceſſarily attend in performing the duties enjoined by this act, to be aſcertained on oath before a juſtice of the peace, who ſhall give a certificate thereof, under his hand and ſeal, which being counterſigned by the governor, ſhall be a ſufficient warrant for the treaſurer to pay the ſum therein mentioned to be due: *Provided nevertheleſs*, that nothing herein contained ſhall be ſo conſtrued as to make any compenſation to the electors herein named, for electing the electors of Preſident and Vice Preſident of the United States.

Sec. 9. *Be it enacted*, That the perſons by this act appointed to elect electors to elect a Preſident and Vice Preſident of the United States, before they enter on the duties of their office, ſhall take an oath to ſupport the conſtitution of the United States, and alſo the conſtitution of this ſtate; and the electors to elect a Preſident and Vice Preſident, ſhall, in like manner, take the ſame oaths.

Sec. 10. *Be it enacted*, That an act, entitled, "An act providing for the appointment of electors to elect a Preſident and Vice Preſident of the United States, paſſed at an aſſembly begun and held at Knoxville, on the 28th day of March, 1796, be, and the ſame is hereby repealed and declared void.

CHAP. V

AN ACT *making compenſation to the members clerks and door keepers of the general aſſembly and for other purpoſes.* (PASSED AUGUST 8. 1796)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That each of the members of this general aſſembly ſhall be allowed the ſum of one dollar and ſeventy five cents for each day he ſhall have attended the general aſſembly, and the ſame for every twenty five miles he ſhall travel going to and returning from the ſame.

Sec. 2. *Be it enacted*, That each firſt clerk of the aſſembly ſhall be allowed the ſum of two dollars and fifty cents per day for their ſervices; and each aſſiſtant clerk ſhall be allowed the ſum of one dollar and ſeventy five cents per day; and that a further allowance be made for contingent expences; namely, to Ludwell Grimes, four dollars, to John Hillſman, four dollars, to George Roulſtone, for ſtationary, eight dollars, and to Nathaniel B. Buckingham, for engroſſing, eight dollars.

Sec. 3. *Be it enacted*, That John Rhea be allowed the ſum of one dollar and ſeventy five cents per day, and the ſum of four dollars for contingencies; and that Thomas Bounds be allowed one dollar and ſeventy five cents per day, for their ſervices as door keepers to this general aſſembly.

Sec. 4. *Be it enacted*, That an act, entitled, "An act for the relief of ſuch perſons as have ſuffered, or may ſuffer by their grants, deeds, and meſne conveyances not being proved and regiſtered within the time heretofore appointed by law," paſſed at an aſſembly begun and held at Knoxville, on the twenty fifth day of Auguſt, one thouſand ſeven hundred and ninety four, is hereby continued in full force until the end of the next ſtated ſeſſion of aſſembly.

Sec. 5 *Be it enacted* That it ſhall be lawful for the governor for the time being, to draw from either of the treaſurers of this ſtate ſuch ſums of monies as may be ſufficient to defray the neceſſary expence of hiring expreſſes and other neceſſary contingent expences of the government: *Provided*, the ſame does not exceed two hundred dollars, which he is hereby authoriſed to draw in manner and form directed by an act paſſed at a general aſſembly begun and held at Knoxville, on the twenty eighth day of March, one thouſand ſeven hundred and ninety ſix, entitled, "An act to provide for the payment of the governor, and directing the place of his reſidence."

Sec. 6. *Be it enacted*, That the governor ſhall not be liable for ſuch ſums of money as he may draw from time to time by virtue of this act, unleſs it ſhould appear to the next ſtated general aſſembly that ſuch appropriatiations were unneceſſary, and in no meaſure tending to promote the general intereſt of this ſtate.

JAMES WINCHESTER,
Speaker of the Senate.

JAMES SUART, S. H. R.

A Copy, Teſt.

WILLIAM MACLIN, Sec'ry.

ACTS

PASSED AT THE FIRST SESSION OF THE SECOND GENERAL ASSEMBLY OF THE STATE OF TENNESSEE,

BEGUN AND HELD AT KNOXVILLE ON MONDAY, THE
EIGHTEENTH DAY OF SEPTEMBER, ONE THOUSAND
SEVEN HUNDRED AND NINETY SEVEN.

CHAPTER I.

AN ACT *directing the mode of electing repreſentatives to repreſent this ſtate in the Congreſs of the United States.* (PASSED SEPT. 27 1797.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That an election ſhall be held at the reſpective court-houſes, or uſual places of holding court, unleſs otherwiſe provided for by law, in each county in this ſtate, on the ſecond Thurſday in October next, and on the ſucceeding day, to elect one repreſentative to repreſent this ſtate in the Congreſs of the United States.

Sec. 2. *Be it enacted,* That the next election for the purpoſe aforeſaid ſhall be held on the firſt Thurſday and the ſucceeding day in Auguſt, one thouſand ſeven hundred and ninety nine; and all elections in future ſhall be held once in every two years, on the firſt Thurſday and the ſucceeding day in Auguſt as aforeſaid, and be conducted under the ſame rules, regulations and reſtrictions as elections for members of the general aſſembly, except where it is otherwiſe provided for by this act.

Sec. 3. *Be it enacted,* That no perſon ſhall be elected, who has not been a citizen or reſident of this ſtate, three years next immediately preceding the day of election: *Provided,* That this ſhall not be conſtrued ſo as to extend to any perſon who was an inhabitant of this ſtate at the time of making the conſtitution thereof.

Sec 4 *Be it enacted,* That immediately after the cloſe of the firſt election in each county, the ſheriff or other returning officer, ſhall, in the preſence of the inſpectors of the election, make out two correct ſtatements of the number of votes given to each candidate in his county, which two ſtatements ſhall be certified by the returning officer and a majority of the inſpectors, one which ſhall be filed in the office of the clerk of the county by one or more of the inſpectors; and the returning officer, by himſelf or deputy, ſhall attend with the other, on the day and at the place herein after mentioned.

Sec. 5. *Be it enacted,* That the returning officers for the ſeveral counties in the diſtrict of Waſhington, by themſelves or deputies, ſhall meet at Joneſborough, on the Monday next enſuing the election, and in the preſence of three juſtices of the peace, to be ſummoned for that purpoſe, proceed to examine and compare the ſeveral certified ſtatements; and ſhall make out and certify, under their hands and ſeals, a general ſtatement of the number of votes given for each of the candidates in the ſeveral counties in the ſaid diſtrict, which ſtatements ſhall alſo be certified by the juſtices attending as aforeſaid: And in like manner the returning officers for the ſeveral counties within the diſtricts of

Mero and Hamilton, ſhall meet at the reſpective places of holding ſuperior courts in each diſtrict, on the ſame day before appointed, and proceed to act as herein is directed for the diſtrict of Waſhington; which ſaid general ſtatements ſhall be produced at Knoxville, on the thirtieth day of October next, by one of the returning officers attending with the ſame from each of the diſtricts aforeſaid. And in order to aſcertain which of the ſaid returning officers ſhall ſo attend, they are hereby required to determine the ſame by lot or otherwiſe: And the ſaid officers being ſo met, ſhall, in the preſence of three juſtices of the peace, to be ſummoned for that purpoſe, proceed to examine and compare all the votes given by the electors in the ſeveral counties in this ſtate, and ſhall certify to the governor which of the candidates ſhall have the greateſt number of votes: *Provided alſo*, that if two or more of the candidates have an equal number of votes, the ſaid returning officers ſhall decide which of them ſhall be repreſentative, in the ſame manner as grand jurors are by law drawn for; and in either caſe the certificate of the returning officers, duly delivered to the governor of this ſtate, ſhall be ſufficient authority for him, and he is required to iſſue a commiſſion agreeably thereto.

Sec. 6 *Be it enacted*, That each of the ſheriffs or other returning officers, attending as by this act required, ſhall be allowed the ſum of one dollar and fifty cents for every thirty miles travelling to and from the place appointed for the ſaid returning officers to convene, and the ſame for each day he ſhall neceſſarily attend, comparing the returns of the ſaid elections, which ſhall be aſcertained on oath before the juſtices of the peace attending as by this act required, and a certificate thereof ſigned by the ſaid juſtices, ſhall be given to each returning officer reſpectively, to be paid out of either of the public treaſuries of this ſtate.

Sec. 7. *Be it enacted*, That if any ſheriff, or other returning officer, ſhall fail to do and perform the duties enjoined on him by this act, he ſhall forfeit and pay the ſum of five hundred dollars, one half to the uſe of the ſtate, the other half to him who will ſue for the ſame, to be recovered by action of debt in any court of record in this ſtate, unleſs good and ſufficient cauſe be ſhewn for ſuch non attendance. And if any perſon ſhall be found guilty of having committed any fraud in performing the duties enjoined on him by this act, he ſhall on conviction, forfeit and pay the ſum of two hundred dollars, to be recovered and applied as aforeſaid, and be further liable to ſuch pains and penalties as the law inflicts in ſimilar caſes.

Sec 8. *Be it enacted*, That in all future elections for repreſentatives to congreſs in this ſtate, except the firſt, the returning officers in the ſeveral counties ſhall tranſmit to the general aſſembly the votes for ſaid repreſentatives, in the ſame manner, and under the ſame rules and reſtrictions as votes for governor, which ſaid votes ſhall be decided on as thoſe for governor, and that the governor commiſſion them accordingly.

CHAP. II.

AN ACT *to aſcertain what property in this ſtate ſhall be deemed taxable, and the mode of collecting accounting for, and paying public taxes.*— (PASSED OCTOBER 25, 1797)

Section 1 BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That all lands to which the Indian claim is extinguiſhed by the treaty of Holſton, held by deed, grant, entry, right of dower or courtſey; all free males and male ſervants between the age of twenty one and fifty years; all town lots; all ſlaves, male and female, between the age of twelve and fifty years; all ſtud horſes kept for covering mares; and all billiard tables within this ſtate ſhall be ſubject to the payment of public taxes; and the public tax on ſuch property and perſons ſhall be proportioned in the manner directed by this act.

Sec 2. *Be it enacted*, That the public tax for the year one thouſand ſeven hundred and ninety eight, and in each ſucceeding year, ſhall be, —For each hundred acres of land, twelve and a half cents.—On each town lot, twenty five cents—On each free poll, twelve and one half cents. On each negro ſlave, twenty five cents.—On each ſtudhorſe a ſum equal to the ſeaſon of one mare.—On each billiard table twenty five dollars.

Sec. 3. *Be it enacted*, That all taxable property and polls ſhall be returned in the county where ſuch property and polls ſhall be on the firſt day of January, one thouſand ſeven hundred and ninety-eight, and in each ſucceeding year; and that at the firſt court in each county, to be held after the firſt day of January next, and in each ſucceeding year, the ſaid courts ſhall appoint a juſtice of the peace for each captain's diſtrict in the different counties, to receive liſts of taxable property for the then preſent year; and the juſtices when ſo appointed, ſhall without delay, fix the time and place in each diſtrict, for receiving liſts of taxable property and polls; and the ſaid juſtices ſo appointed ſhall advertiſe the ſame at ſix of the moſt public places in their reſpective diſtricts, at leaſt fifteen days previous to the time appointed to receive ſuch liſts; and the clerks of each court ſhall furniſh each juſtice, within twenty days after their appointment, with a fair alphabetical copy at large, of the taxable property and polls within their diſtrict the preceding year.

Sec. 4. *Be it enacted*, That the inhabitants of the reſpective diſtricts in each county, ſhall attend at the time and place ſo to be appointed, and ſhall return on oath in writing, to the juſtices appointed to receive the ſame, all his, her, or their taxable property and polls in ſuch county, the quantity of lands, diſtinguiſhing the particular tracts, the number of free males and ſervants, between the age of twenty one and fifty yeaes, the number of ſlaves, male and female, between the age of twelve and fifty years, which to him, her, or them belonged, or who live in his, her, or their families, unleſs the ſaid perſon or perſons living in ſaid family doth return themſelves, on the firſt day of January, 1798, and on the firſt day of January in each ſucceeding year; and the oath to be adminiſtered by the juſtice receiving ſuch liſts, ſhall be as follows:

"You do ſwear (or affirm as the caſe may be) that the liſt by you delivered, contains a juſt and true account of all the property and polls for which by law you are ſubject to pay taxes in this county, to the beſt your knowledge and belief.

Sec. 5. *Be it enacted*, That it ſhall be the duty of the ſheriff in each county, by ſuch lawful ways and means as ſhall be in his power, by having recourſe to the regiſters' and clerks' offices or otherwiſe, to diſcover ſuch taxable property and polls as ſhall not have been returned within the time limitted by law, and to report the ſame in writing, under his hand, to the court of the county, which report, the ſaid clerk ſhall enter in his liſt of taxable property to the treaſurer of his diſtrict, in the ſame manner as if it had been taken by a juſtice of the peace in manner and form as preſcribed by law.

Sec. 6. *Be it enacted*, That every perſon reſiding out of this ſtate, and holding land or other taxable property within the ſame, in manner aſcertained in this act, ſhall by himſelf, his agent or attorney, return an inventory thereof, in the county in which the ſame may be-in manner and form as by this act preſcribed for citizens of this ſtate.

Sec. 7. *Be it enacted*, That the juſtices who ſhall be appointed to receive the liſts of taxable property and polls, ſhall make return of their liſts reſpectively to their reſpective county court, next after ſuch liſts ſhall be received, and the juſtices in their returns ſhall, excluſive of the original liſts by them received, diſtinguiſh the perſons names, the ſeveral tracts of land, the quantity and ſituation of each tract, the number of free polls and the number of black polls, in the following manner, viz:

Perſons names.	Quantity in each tract.	Situation or place where each tract lies.	Number of free polls.	Number of town lots	Number of black polls.	Number of ſtud horſes.	Number of billiard tables	Amount of each perſon's taxable property.

Sec. 8. *Be it enacted*, That if any perſon appointed to receive liſts of taxable property and polls as by this act directed, ſhall fail or neglect to perform the duty of his appointment, the perſon ſo failing or neglecting, ſhall be guilty of a miſdemeanor in office.

Sec. 9. *Be it enacted*, That if any maſter or miſtreſs of a family, his, her, or their agent, manager, or attorney, after due notice given as before directed, ſhall fail or neglect to return inventories of his her or their taxable property and polls, in manner before mentioned, each and every perſon ſo failing or neglecting, ſhall be ſubject to a fine of fifty dollars and a double tax, which fine and tax ſhall be collected as herein after directed; the number of free polls and taxable property of ſuch perſons ſo failing, to be reported by the juſtice to the beſt of his knowledge. And if any executor, adminiſtrator, guardian, truſtee, agent or attorney, ſhall, after due notice as aforeſaid, fail to return an inventory to the juſtice appointed to receive the ſame of the taxable property in his truſt or poſſeſſion, the property of the teſtator, inteſtate, minor, or abſentee ſhall be liable and and ſtand bound to pay a fine of fifty dollars and a double tax, and the juſtice ſhall report the ſame to the beſt of his knowledgeor information; and ſuch fine and double tax ſhall be levied on the proper eſtate of ſuch executor, adminiſtrator, guardian, truſtee, agent or attorney, and collected and paid as hereafter directed; and if any perſon who is not a reſident of this ſtate, ſhall fail, by himſelf, his agent, or attorney, to return his, her, or their taxable property, as by this act directed, the property of ſuch perſon ſo failing, ſhall be liable to, and ſtand bound to pay a fine of fifty dollars, and a double tax, to be collected and paid as by this act directed, and the juſtice ſhall report the ſaid property to the beſt of his knowledge and information as aforeſaid.

Sec. 10. *Be it enacted*, That the ſeveral juſtices appointed to receive the liſts of taxable property and polls, ſhall make return of their own liſts to the county courts, or to ſome other juſtice; and if any juſtice appointed to receive liſts of taxable property and polls, ſhall die, refuſe to act, or remove out of the county, before the duty of his appointment ſhall be performed, any three juſtices of the ſaid county may, and they are hereby directed and authoriſed to appoint another to act in the place of ſuch perſon ſo dead, refuſing to act, or removing; and the perſon ſo appointed ſhall have the ſame power and authority in all reſpects as if he had been originally appointed, and ſubject to the ſame pains and penalties.

Sec. 11 *Be it enacted*, That the clerk of each court ſhall record at large, in alphabetical order, the annual returns to be made by the juſtices in his county; and the court ſhall make a reaſonable allowance for ſuch ſervices, to be paid out of the county tax.

Sec. 12 *Be it enacted*. That any perſon incurring the ſaid fine and double tax in this act mentioned, for omitting to return his, her, or their liſts of taxable property and polls, may apply to the county court to which ſuch liſts ſhall be returned, or to the next ſucceeding court, and ſuch court, upon ſufficient reaſon ſhewn, may direct that ſuch perſon ſhall pay in the ſame manner and form as if no fine and double tax had been incurred, together with ſuch coſts as may have accrued in conſequence of ſuch neglect.

Sec. 13. *Be it enacted* That all taxes by this act impoſed, or hereafter to be impoſed, ſhall be collected, paid and accounted for, in manner and form following: The clerk of each county court within this ſtate, ſhall, within thirty five days after the court to which the liſts of taxable property ſhall be returned in every year, furniſh the ſheriff of the county, whoſe duty it ſhall be to collect the public taxes, with a liſt of the taxable property and polls within the county; and the ſheriff ſhall appoint the day and place in each diſtrict of the ſaid county, when and where he will attend for the purpoſe of receiving taxes; which day ſhall be as ſoon as may be after he ſhall have received the liſts of taxable property: *Provided always*, that the ſaid ſheriff ſhall give fifteen days previous notice, by advertiſing it at ſix of the moſt public places in ſaid diſtrict; and if any perſon or perſons, ſo notified, ſhall fail to attend, or otherwiſe to pay their taxes, on or before the day appointed, it ſhall be the duty of the ſheriff to levy the ſame by diſtreſs and ſale of the goods and chattels of every perſon ſo neglecting: *Provided*, no diſtreſs be made within ten days after the day ſo notified for receiving taxes; and for every diſtreſs and ſale ſo made, it ſhall be lawful for ſuch ſheriff, as fees of office, to levy therewith the ſum of fifty cents: *Provided alſo*, that the ſaid ſheriff ſhall give at leaſt ten days previous notice of ſuch ſale, by advertiſing the ſame as in other caſes.

Sec. 14. *Be it enacted*, That in caſe there ſhall not be any goods or chattels, on which the ſheriff can diſtreſs for public taxes, he ſhall report the ſame to the court of the county; and the court ſhall forthwith direct the clerk to make out a certificate of the lands and tenements liable for the payment of the ſaid taxes, together with the amount of taxes and charges due thereon, and ſhall cauſe the ſame to be publiſhed at leaſt twice in the Knoxville Gazette, ſetting forth that the ſame will be ſold for taxes; and the printer ſhall be allowed the ſum of ſeventy five cents for each publication, to be levied off the ſaid land as the tax and other charges; and if no perſon ſhall pay the public taxes thereof, agreeable to this act, within thirty days after the laſt publication as aforeſaid, the court ſhall enter up judgment for the amount of taxes due, and all accruing coſts and charges, for which execution at the direction of the court, ſhall iſſue as in other caſes; and the ſheriff ſhall, by virtue thereof, expoſe to ſale at the court houſe of his county, the ſaid lands and tenements, or ſo much thereof as ſhall be ſufficient to pay and ſatisfy the ſaid judgment and all coſts and charges accruing thereon; and the ſaid ſheriff is hereby authoriſed and directed to make out and execute a deed or deeds of conveyance for the land ſo ſold, unto the perſon or perſons being the higheſt bidder, on the receipt of the money paid him which deed or deeds ſhall be deemed good and valid in law againſt the claimant, or any perſon or perſons claiming by or under him, any law, uſage or cuſtom to the contrary notwithſtanding; and the ſeveral clerks and ſheriffs ſhall reſpectively receive for their ſervices herein, the ſame fees as are allowed by law for ſimilar ſervices in other caſes, excluſive of the ſix per cent. which the ſaid ſheriff is entitled to have for collecting and paying the ſaid taxes.

Sec. 15 *Be it enacted* That the ſheriff of each and every county, before entering on the collection of public taxes, ſhall give bond with two or more ſecurities, which the court ſhall approve of, for double the ſum by him or them to be collected, payable to the governor for the time being and his ſucceſſors in office, for the uſe of the ſtate, conditioned for the collection and payment to the treaſurer of the diſtrict where ſuch ſheriff ſhall reſide, of all taxes by him collected, or which ought to have been collected, on or before the firſt day of December in each and every year in which he ſhall collect the tax, and ſhall alſo in open court, take and ſubſcribe the following oath: I, *A B* do ſolemnly ſwear, (or affirm, as the caſe may be) that I will faithfully collect all taxes for my county, and make a true report of ſuch perſons as may fail to return liſts of taxable property, according to law and to the beſt of my knowledge, ſkill, and ability.

Sec. 16. *Be it enacted*, That the ſheriff appointed by virtue of this act to collect public taxes, ſhall each and every of them pay the public taxes collected in his county, into the hands of the treaſurer of the diſtrict where ſuch ſheriff ſhall reſide, and ſhall receive as commiſſions for collecting and paying the ſame, the ſum of ſix dollars for each hundred dollars, and ſo in proportion for a greater or leſſer ſum, which commiſſions ſhall be deducted out of the monies by them collected.

Sec. 17. *Be it enacted*, That if any ſheriff or collector ſhall preſume, under colour or pretence of this act, or of any act directing the collection of county tax, to collect more money in name of taxes than is directed by law, ſuch offending ſheriff or collector, on due proof thereof, ſhall be guilty of a miſdemeanor in office.

Sec 18. *Be it enacted*, That the clerk of each county court in this ſtate, ſhall enter of record, the bond given by the ſaid ſheriff for the collection of public taxes, and ſhall without delay tranſmit the ſame, together with a copy of the tax liſt of his county, to the treaſurer of the diſtrict, and alſo a like copy to the next meeting of the general aſſembly; and in caſe any of the aforementioned clerks or ſheriffs ſhall fail to comply with their duties as required by this act, for every ſuch offence he or they ſhall forfeit and pay a ſum not exceeding one hundred dollars.

Sec. 19. *Be it enacted*, That if the ſheriff of any county within this ſtate, ſhall die ſhortly before, or during the time appointed for the collection of public taxes, ſo that the court could not have appointed a ſucceſſor in office before the time for collecting the taxes, in ſuch caſe it may and ſhall be lawful for their ſecurities to receive the ſame; in which buſineſs they are hereby declared to have all the powers, authorities, privileges and emoluments in and for the receipt and collection of all taxes, which the ſheriff deceaſed poſſeſſed and enjoyed, and ſhall be liable for deficiencies.

Sec. 20. *Be it enacted* That if the ſheriff or ſheriffs of any county in this ſtate, ſhall neglect or refuſe to ſettle his or their accounts on or within the time limited by this act, as in manner hereby directed, then it ſhall and may be lawful for the treaſurer of the diſtrict in which ſuch ſheriff ſhall reſide, to enter up judgment, on motion, in the name of the governor, on the bond of the ſaid ſheriff, for the amount of the taxes due from ſuch ſheriff or ſheriffs and their ſecurities, in the ſuperior court of the diſtrict in which ſuch delinquent ſheriff does reſide, which is hereby declared to be good and valid in law, and execution may iſſue thereon, directed to the ſucceeding ſheriff, or to the coroner of the county wherein the delinquent ſheriff reſides, as if the ſheriff and ſecurities had been proſecuted to judgment by the uſual proceſs of the ſaid court, any law, uſage, or cuſtom to the contrary notwithſtanding: *Provided*, that the ſheriff ſhall have credit for all delinquents and deficiency of payment to him in his collections, as ſhall be certified by the court of the county in which he is ſheriff.

Sec. 21. *Be it enacted*, That if any ſheriff or other perſon holding public monies, ſhall preſume to demand or receive any fee, gift, gratuity or diſcount, for paying or taking up any warrant or draft chargeable upon the taxes, as well of the ſtate as of the county, every ſuch offender, upon due conviction in any court of record, ſhall forfeit and pay a ſum equal to double the amount of the draft ſo taken up, to be recovered by action of debt before any juriſdiction having cognizance thereof, in the name of the perſon aggrieved, one half to the uſe of the ſtate or county (as the caſe may be) and the other half to the uſe of the perſon aggrieved; and in caſe the aggrieved perſon will not proſecute as aforeſaid within ſix months, then in the name of him who will ſue for the ſame, one half to his own uſe, and the other half as aforeſaid.

Sec. 22. *Be it enacted*, That if it ſhall appear that the public treaſurer or treaſurers have failed at any time to pay the public monies in his or their hands, on grants of the general aſſembly, or monies brought into the treaſury by ſpecial taxes, to thoſe authoriſed to apply for and receive the ſame, or hath neglected in any inſtance to call to account, as by this act directed, any delinquents therein deſcribed, by which the public revenue of this ſtate may ſuffer loſs, then in ſuch caſe, the ſaid treaſurer or treaſurers ſhall be held and deemed accountable for the ſums due by ſuch delinquents, to all intents and purpoſes as if the ſame had actually been paid into his or their office.

Sec. 23 *Be it enacted*, That the county ſheriff or the public treaſurer ſhall not diſcharge any grant of the general aſſembly hereafter to be iſſued, unleſs in the ſaid grant, it ſhall particularly expreſs the cauſe and ſervice for which the ſame was iſſued.

Sec. 24. *Be it enacted* That all fines and forfeitures in this act mentioned, ſhall be recovered in the name of the governor, by action of debt, before any juriſdiction having cognizance thereof, for the uſe of the ſtate, except as herein before excepted.

Sec. 25 *Be it enacted,* That all acts and parts of acts, laws and parts of laws, coming within the purview and meaning of this act are hereby repealed and made void.

Sec 26. *Be it enacted,* That this act ſhall be in force from and after the firſt day of January next.

CHAP. III.

An ACT *for laying and collecting county taxes and for other purpoſes.*

(PASSED OCTOBER 28, 1797.)

Section 1 BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the juſtices of the ſeveral county courts in this ſtate, ſhall lay a tax annually, not exceeding twelve and an half cents on each hundred acres of land; a tax not exceeding twenty five cents on each town lot,; a tax not exceeding twenty five cents on each ſtud horſe, kept for covering mares; a tax not exceeding twenty five cents, on each taxable black poll; a tax not exceeding twelve and an half cents on each taxable white poll; a tax not exceeding ten dollars on each billiard table, to be levied by a majority of the acting juſtices of the county courts reſpectively, for the payment of building or repairing a court houſe, priſon and ſtocks in each county in this ſtate, and other county contingencies.

Sec 2. *Be it enacted,* That the following county courts, viz. Knox, Hawkins, and Carter, ſhall have power to levy and collect an additional county tax, not exceeding the ſums on the articles above mentioned, for the purpoſes of building or repairing court houſe, priſon and ſtocks, when the ſame may be found neceſſary.

Sec. 3. *Be it enacted,* That the aforeſaid tax ſhall be collected in manner and form directed for collecting public tax, and paid agreeable to the directions contained in the act, entitled, "An act directing the mode of ſettling with the collectors of county tax, &c."

Sec. 4 *Be it enacted,* That all laws and parts of laws, that comes within the purview and meaning of this act, ſo far as reſpects the levying and collecting county tax, be and the ſame is hereby repealed and made void.

Sec. 5. *Be it enacted,* That this act ſhall be in force from and after the firſt day of January next. *Provided,* That nothing contained in this ſection ſhall be ſo conſtrued as to repeal any law paſſed for the benefit of any county in this ſtate, except the act, entitled, "An act to empower the juſtices of Hawkins county to lay a tax for the purpoſe of erecting a court houſe, priſon and ſtocks in ſaid county," which is hereby repealed.

CHAP. IV.

An ACT *for the purpoſe of deſtroying Squirrels, Crows, and Wolves.*—

(PASSED OCTOBER 20. 1797.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That from and after the paſſing of this act, it ſhall and may be lawful for each county court in this ſtate, at the time of laying the county tax, to lay a tax to be paid in ſquirrels or crows ſcalps, on every perſon ſubject to a poll tax, in their reſpective counties, not exceeding twenty five ſquirrels to each poll.

Sec. 2. *Be it enacted*, That every perſon ſubject to pay a poll tax, ſhall deliver to the juſtice of the peace, who is appointed to take in the liſt of taxable property, in the diſtrict where he or ſhe may reſide, a ſufficient number of ſcalps to ſatisfy the number of polls he, ſhe, or they may be liable to pay tax for, agreeable to the number of ſcalps ſo laid by the court, on each poll, or one crow ſcalp in lieu of two ſquirrel ſcalps; and it ſhall be the duty of the juſtice, who is appointed as aforeſaid, to burn the ſcalps ſo delivered, and enter the number in the tax liſt, in a column for that purpoſe.

Sec. 3 *Be it enacted*, That every perſon who fails to deliver their number of ſcalps, ſhall, for every ſcalp ſo failing to deliver, pay one cent, to be collected, accounted for, and applied under the ſame rules and reſtrictions as other county taxes.

Sec. 4. *Be it enacted*, That the court of every county is hereby authoriſed to lay a rate on wolf ſcalps, not exceeding two dollars for each ſcalp, to be paid out of the county treaſury, by the truſtee of the county.

Sec. 5. *Be it enacted*, That before any perſon ſhall be authoriſed to draw his pay for the ſcalp of a wolf, he ſhall appear before ſome juſtice of the peace of ſaid county wherein he killed the ſame, and make oath, or affirmation, that he did actually kill the wolf in the county where ſaid juſtice reſides, ſince the promulgation of this act, and on ſuch qualification, it ſhall be the duty of ſaid juſtice, to burn the ſcalp or ſcalps, and grant him a certificate, directed to the truſtee of the county, together with an order to pay the ſum the court may appropriate for the killing each wolf.

CHAP. V.

An ACT *making proviſion for the poor.*—(PASSED OCTOBER 20, 1797.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the juſtices of the peace, in each county in this ſtate, are hereby required and empowered to take cognizance of all poor perſons in the county, whom they or a majority of them may adjudge proper to be ſupported at the charge and expence thereof. *Provided*, That no perſon ſhall be entitled to the benefit of this act who has not been an inhabitant of the county, by actual reſidence, for one whole year next preceding ſuch application.

Sec. 2 *Be it enacted*, That the ſaid juſtices or a majority of them, at the next court of pleas and quarter ſeſſions which ſhall be held in each county after the firſt day of May after the paſſing of this act, and at the ſaid court in each and every ſucceeding year, ſhall and are hereby empowered, if neceſſary, to aſſeſs and levy a tax on the taxable property and polls in each county reſpectively, for the maintenance and ſupport of ſuch poor perſon or perſons: *Provided*, That the ſaid tax ſhall not exceed ſix cents on each hundred acres of land, and on each negro not more than ſix cents, and on each free perſon taxable by law, not more than three cents.

Sec 3. *Be it enacted*, That the ſheriff in each county reſpectively, ſhall collect the ſaid tax in each and every year, under the ſame rules, regulations and reſtrictions as other county tax: *Provided*, That nothing ſhall be received in payment thereof but money; and the ſaid ſheriff in each and every year, ſhall pay the amount of the ſaid tax, after deducting his commiſſions and ſuch allowances as ſhall by the court be admitted for delinquents, to the truſtee of the county, on or before the twenty fifth day of December in each year, and ſhall take receipt accordingly.

Sec. 4. *Be it enacted*, That the truſtee of the county ſhall and is hereby required to pay the money by him received from the ſheriff in virtue of this act, to the perſon or perſons who ſhall be authorized to receive the ſame, by an order of the juſtices of the court, ſigned by the preſiding juſtice and counterſigned by the clerk thereof, and the county truſtee ſhall carefully preſerve all ſuch orders: *Provided*, That no ſuch order ſhall be allowed unleſs a majority of the juſtices of the county be preſent in court.

Sec. 5. *Be it enacted*, That the juſtices as aforeſaid, ſhall cauſe the clerk of the court to enter on the journals or minutes thereof, the name, age and condition as near as may be, of each poor perſon whom they ſhall adjudge proper to be ſupported at the charge of the county, at the time of ſuch adjudication, and alſo, they ſhall cauſe to be entered thereon, the quantity of allowance by them decreed for his or her ſupport, a copy of which entry, ſigned by the clerk of the court, and a certificate of the amount of the poor tax by him alſo ſigned, ſhall be given to the ſaid truſtee, and the ſaid truſtee is hereby required to enter the ſame on his book.

Sec. 6. *Be it enacted*, That in caſe of failure, neglect or refuſal of the ſheriff to pay the amount of the poor tax to the truſtee of the county, as by this act required, it ſhall and may be lawful for the court of the county in which ſuch ſheriff lives, on motion of ſaid truſtee, to enter up judgment againſt ſaid ſheriff and his ſecurities, at any time, either before or after the expiration of his office, for all ſuch ſum or ſums of money as he may be chargeable with by virtue of this act, and execution thereupon ſhall iſſue againſt the goods and chattels, lands and tenements of ſuch ſheriff and his ſecurities: *Provided*, That the ſheriff ſhall have written notice of ſuch motion twenty days previous to the making thereof.

Sec. 7 *Be it enacted*, That the truſtee of the county, ſhall once in every year, at the court of pleas and quarter ſeſſions, which ſhall be held in each county after the firſt day of May, ſettle and account with the juſtices of the county in which ſuch truſtee lives, for all ſums of money which he may receive in virtue of this act, deducting his commiſſions; and if any balance does remain over and above what will appear by the order or orders as aforeſaid by him to have been paid and diſburſed, ſuch balance or balances ſhall be applied to diſcharge any arrears that the county may owe for the ſupport of the poor; and all ſuch being paid, afterwards ſuch balances, ſhall remain over in his hands, as a fund in aid of the poor tax of the next ſucceeding year; and if any truſtee of a county, ſhall fail, neglect or refuſe to ſettle and account as by this act required, he ſhall forfeit and pay a ſum equal to double the amount of the poor tax laid by the court, for the year in which he ſhall make ſuch failure, refuſal or neglect, to be recovered by action of debt, bill or plaint, in the court of the county in which ſuch truſtee ſhall live, with coſts of ſuit, in the name of the preſiding juſtice of the court, and to be applied to the uſe of the poor of the county.

Sec. 8. *Be it enacted*, That the clerk of the court in each county reſpectively, being thereto required, ſhall produce to the juſtices of the court aſſeſſing the ſaid poor tax, a liſt of the taxable property, negroes taxable by law incluſive, and alſo the number of taxable free perſons in the county, as aſcertained by the county roll of the preceding year; and it ſhall alſo be a duty of the clerk in each county to aſcertain the ſaid tax in the roll for collection of the ſtate and county tax, and the juſtices of the court in each county ſhall make ſuch compenſation to the clerk for his ſervices enjoined by this act, as in their diſcretion they ſhall deem juſt, to be paid out of the county tax.

Sec. 9. B*e it enacted*, That the county truſtee ſhall be allowed the ſum of two and a half per centum as compenſation, for receiving and paying away all monies by virtue of this act.

Sec. 10 B*e it enacted*, That all and every act and acts, and every clauſe and article thereof, heretofore made and coming within the purview of this act, is hereby repealed and made void, to all intents and purpoſes.

CHAP. VI.

AN ACT *to regulate the times of holding ſuperior courts of law and equity in the diſtricts of Waſhington and Hamilton, and for the county courts of pleas and quarter ſeſſions therein mentioned.* —PASSED OCT. 25, 1797.

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That ſuperior cours of law and equity in and for the diſtrict of Waſhington, ſhall commence on the firſt Mondays of March and September, and ſuperior courts of law and equity in and for the diſtrict of Hamilton, ſhall commence on the fourth Mondays of the ſame months in each and every year, any law, uſage, or cuſtom to the contrary notwithſtanding.

Sec. 2. *Be it enacted*, That the county courts of pleas and quarter ſeſſions in and for the county of Knox ſhall commence on the ſecond Mondays of January, April, July, and October; and county courts of pleas and quarter ſeſſions in and for the county of Jefferſon, ſhall commence on the third Mondays of the months laſt above mentioned. And county courts of pleas and quarter ſeſſions in and for the county of Greene, ſhall commence on the fourth Mondays of the months laſt above mentioned. And county courts of pleas and quarter ſeſſions in and for the counties of Waſhington and Cocke, ſhall commence on the firſt Mondays of February, May, Auguſt, and November. And county courts of pleas and quarter ſeſſions in and for the counties of Carter and Sevier, ſhall commence on the ſecond Mondays of the months laſt above mentioned. And county courts of pleas and quarter ſeſſions in and for the counties of Sullivan and Grainger, ſhall commence on the third Mondays of the months laſt above mentioned. And county courts of pleas and quarter ſeſſions in and for the counties of Hawkins and Blount ſhall commence on the fourth Mondays of the months laſt above mentioned, any law uſage or cuſtom to the contrary notwithſtanding.

Sec. 3. B*e it enacted*, That all actions, ſuits, writs, plaints, recognizances, indictments and preſentments whatever, upon the dockets of each and every of the ſaid ſuperior courts of law and equity, and of the county courts of pleas and quarter ſeſſions in and for the ſaid counties, ſhall be proceeded on by each and every of the ſaid courts reſpectively, held as is directed by this act, in the ſame manner as if no alteration of time had taken place.

Sec. 4. B*e it enacted*, That this act ſhall be in force from and after the firſt day of January next.

C H A P. VII.

AN ACT *to apportion the grand jurors in the diſtrict of Hamilton for the ſuperior courts of law, among the ſeveral counties thereof.*—(PASSED OCTOBER 28, 1797.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That from and after the paſſing of this act, the county of Knox ſhall return to the ſuperior courts of law of Hamilton diſtrict, twelve jurors, the county of Blount five jurors, the county of Cocke four jurors, the county of Sevier four jurors, the county of Jefferſon ſeven jurors, and the county of Grainger five jurors.

Sec. 2. *Be it enacted,* That all laws and parts of laws, which come within the purview and meaning of this act, are hereby declared to be repealed and made void, any thing to the contrary notwithſtanding.

Sec. 3 *Be it enacted,* That the county courts of Sevier and Blount are hereby authoriſed and empowered from and after the firſt day of January next, to levy a county tax on the taxable property and polls within ſaid counties, for the years 1798 and 1799, not exceeding fifty cents on each free poll, and not exceeding one hundred cents on each black poll, not exceeding five dollars on each billiard table, not exceeding fifty cents on each hundred acres of land, not exceeding one hundred cents on each town lot, and on each ſtud horſe not exceeding one fourth of the price of the ſeaſon of one mare.

Sec. 4. *Be it enacted,* That ſo much of the laws which are in force and uſe in this ſtate as puts it in the power of the ſheriffs to ſell eſtates, either inteſtate or otherwiſe, is hereby repealed and made void to all intents and purpoſes.

Sec. 5. *Be it enacted.* That executors or adminiſtrators, are hereby authoriſed and empowered to employ any perſon on reaſonable terms to make ſale of ſuch eſtates, agreeable to law, for the uſe of the legatees, any law, uſage, or cuſtom to the contrary notwithſtanding.

C H A P. VIII.

AN ACT *to divide the county of Jefferſon into two ſeparate and diſtinct counties*—(PASSED OCTOBER 9, 1797.)

WHEREAS the citizens of Jefferſon county, living on the waters of French Broad and Big Pigeon, above the mouth of Chucky river are ſo ſituated by rivers and mountains, that they cannot with convenience attend courts, general muſters or elections in ſaid county; and it being made appear to this general aſſembly that the bounds required by the conſtitution may be had in each county:

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That from and after the paſſing of this act, the ſaid county ſhall be divided by a line to begin on the Norh Carolina boundary line with this ſtate, on the ſouth ſide of French Broad river, one mile from ſaid river, thence down ſaid river one mile diſtance from the ſame to where it interſects the Greene county line; thence with ſaid line to Nolichucky river, a ſmall diſtance below captain William White's houſe; thence down the ſaid river to French Broad, leaving all the iſlands to Jefferſon county; thence down the river French Broad, in the ſame manner, to the bent of ſaid river oppoſite Colonel Parmenas Taylor's, and from thence a direct line to the top of Engliſh's mountain within one mile of Sevier county line, thence parallel with that line to the uppermoſt houſe on Cozby's creek, and from thence an eaſterly line, to a point on the North-Carolina boundary line, as to leave ſix hundred and twenty five ſquare miles in Jefferſon county, and from thence with the ſaid boundary line to the beginning, which bounds, ſo deſcribed, ſhall, from and after the paſſing of this act, be a ſeparate and diſtinct county, known by the name of Cocke.

Sec. 2. *Be it enacted*, That Henry Ragan, William Job, John Caffee, Peter Fine, John Keeney, Reps Jones, and John M'Glochlen, are hereby appointed commiſſioners, and authoriſed to lay off and appoint a place the moſt convenient in ſaid county, for the purpoſe of erecting a court houſe, priſon, and ſtocks.

Sec. 3. *Be it enacted*, That the aforeſaid commiſſioners are hereby authoriſed and required, as ſoon as may be, after agreeing on the place whereon the court houſe, priſon and ſtocks are to be erected in ſaid county of Cocke, to contract and agree with ſuitable workmen for erecting and building at the place aforeſaid, a court houſe, priſon and ſtocks for the uſe and benefit of ſaid county. And the better to enable the commiſſioners aforeſaid to carry this act into effect,

Sec. 4 *Be it enacted*, That a tax not exceeding twelve and an half cents on each hundred acres of land—a tax not exceeding twelve and a half cents on each town lot—a tax not exceeding twenty five cents on each ſlave between the age of twelve and fifty years—a tax not exceeding one dollar on each ſtud horſe—a tax not exceeding twelve and a half cents on each free male between the age of twenty one and fifty years, ſhall be collected in the ſaid county of Cocke every year, not exceeding three years, by the ſheriff or collector of the ſame, and accounted for and paid to the ſaid commiſſioners, at the ſame time and in the ſame manner, and under the like penalties and reſtrictions as is or may be directed for collecting, accounting for, and paying public taxes.

Sec 5 *Be it enacted*, That before the ſaid commiſſioners ſhall take into their hands any of the monies directed to be collected by this act, they ſhall enter into bond in the ſum of fifteen hundred dollars, payable to the governor for the time being, and his ſucceſſors in office, for the uſe of the ſaid county of Cocke, conditioned for the faithful diſcharge of the truſt repoſed in them.

Sec. 6. And for the due adminiſtration of juſtice in ſaid county, *Be it enacted*, That the court for the ſaid county of Cocke ſhall be held conſtantly by the juſtices of ſaid county, on the fourth Mondays in February, May, Auguſt, and November, in every year: And the juſtices for the ſaid county of Cocke are hereby authoriſed and empowered to hold the firſt court for the ſame at the houſe of Daniel Adams, to commence on the fourth Monday in November next; and all ſubſequent courts for ſaid county, on the days above mentioned for holding courts therein, at any place to which the ſaid juſtices ſhall from court to court adjourn themſelves, until a court houſe ſhall be built for the ſaid county of Cocke, and then all cauſes, matters and things depending in the ſaid court, and all manner of proceſs returnable to the ſame, ſhall be adjourned to ſaid court houſe; and all courts held in and for ſaid county of Cocke, ſhall be held by commiſſion to the ſaid juſtices, in the ſame manner, and under the ſame rules and reſtrictions, and ſhall have and exerciſe the ſame powers & juriſdiction as are or ſhall be preſcribed for other courts held for the ſeveral counties in this ſtate: *Provided*, that nothing herein contained, ſhall be conſtrued ſo as to prevent the collection of all arrearages of public and county taxes due the county of Jefferſon in ſaid county of Cocke.

Sec 7. *Be it enacted*, That the ſheriff of Jefferſon county is hereby authoriſed to collect all monies due on judgments or executions, entered up in the county of Jefferſon, prior to the paſſing of this act, and that all proceedings now pending in the county of Jefferſon ſhall be proceeded on, and determined in the ſame manner as if this law had not been paſſed

Sec 8. *Be it enacted*, That the inhabitants of ſaid county of Cocke ſhall be entitled to hold an election, at the court houſe, under the ſame rules and regulations as preſcribed for elections in other counties, and ſhall make returns of the polls in the ſame manner as pointed out by law, in other caſes of ſeparate elections; ſhall compoſe a part of the diſtrict of Hamilton; and ſhall ſend four jurors to the ſuperior court of ſaid diſtrict.

CHAP. IX

AN ACT *ſupplementary to an act, entitled*, " An act to divide the county of Jefferſon into two ſeparate and diſtinct counties "—(PASSED OCTOBER 11, 1797)

WHEREAS by an act of the general aſſembly paſſed this ſeſſions, entitled, " An act to divide the county of Jefferſon into two ſeparate and diſtinct counties," no proviſion is made directing at what place the citizens of the new county of Cocke ſhall vote for repreſentative to Congreſs at the enſuing election, to be held on the ſecond Thurſday and the day following of October in inſtant—to remedy which

BE it enacted by the General Aſſembly of the State of Tenneſſee, That the electors of the ſaid county of Cocke ſhall be entitled to vote for a Repreſentative to Congreſs at the ſaid enſuing election, on the ſecond Thurſday and day following of October inſtant, at the court houſe of the county of Jefferſon, in the ſame manner as heretofore uſed, any thing in the ſaid act to the contrary notwithſtanding.

CHAP. X

AN ACT *to authorize the citizens of Grainger county to hold elections for Governor, Members of the General Aſſembly, and Repreſentatives to repreſent this State in the Congreſs of the United States, in the county of Grainger, at the uſual place of holding courts.*

Section 1. *BE it enacted by the General Aſſembly of the State of Tenneſſee*, That all elections for governor, members of the general aſſembly, and repreſentatives to repreſent this ſtate in the Congreſs of the United States, ſhall be held at the uſual place of holding courts in the county of Grainger, on the ſame days of holding elections in other counties, until provided for by law, as the conſtitution provides, in manner and form as follows: The ſheriff or returning officer ſhall provide two boxes for the reception of tickets of ſuch perſons as reſide in that part of Grainger which was formerly part of Knox, ſhall be put in one box, and thoſe who reſide in that part which was formerly part of Hawkins, ſhall be put in the other box; the ſheriff or other returning officer of the county of Grainger, ſhall attend at Rogerſville on the firſt Monday after ſuch election, to return the number of votes taken at ſuch election for the county of Hawkins; and the deputy ſheriff, or in caſe there ſhall be no deputy, then one of the judges of the election ſhall attend at Knoxville on the day aforeſaid, with the returns of votes taken for the county of Knox, under the penalty of one hundred dollars each for every omiſſion; to be recovered by action of debt, in the court of the county where the failure may happen, one half to the uſe of the county, the other half to him or them ſuing for the ſame; and if any perſon ſhall be guilty of voting contrary to the true intent and meaning of this act, or voting without being qualified, according to law, ſuch perſon, on conviction, ſhall forfeit and pay ten dollars, to be recovered before any juriſdiction having cognizance thereof, and applied as in the laſt mentioned caſe.

Sec. 2. B*e it enacted,* That the ſheriff or returning officer for the counties of Hawkins and Knox ſhall attend at the court houſe of ſaid counties on the firſt Monday after the election for governor and members of the general aſſembly, to compare the votes taken in their county with thoſe taken in that part of Grainger county that was entitled to ſuffrage in ſaid county, and after comparing the ſame, they ſhall, in the preſence ſuch citizens as think proper to attend, declare them that appear duly elected, and certify under their hands the ſame.

Sec. 3. *Be it enacted* That ſo much of an act of the general aſſembly for dividing the counties of Hawkins and Knox, and forming a new county by the name of Grainger, as comes within the purview and meaning of this act, is hereby repealed, any law uſage or cuſtom to the contrary notwithſtanding.

CHAP. XI

AN ACT *authorizing the inhabitants of the eaſtern end of Carter county to hold elections and general muſters at ſuch place as therein mentioned, and for other purpoſes.*—PASSED OCTOBER 20, 1797.

WHEREAS the mountaneous ſituation of the county of Carter hath rendered it impracticable to fix the court in or near the centre of the ſame, which renders it extremely inconvenient for the inhabitants living in the eaſtern end of ſaid county to attend elections and general muſters at the court houſe:

Sec. 1. *Be it enacted by the General Aſſemblby of the State of Tenneſſee,* That from and after paſſing of this act it ſhall and may be lawful for the inhabitants of ſaid county of Carter living within the limits of the diſtricts of the two moſt eaſtwardly or upper companies of militia of ſaid county, to meet and hold elections for governor, members of the general aſſembly, and repreſentatives to congreſs, at the houſe of William Moreland.

Sec. 2. B*e it enacted,* That it ſhall and may be lawful for the coroner or ſheriff of Carter county, or ſaid ſheriff's proper deputy, and he or they are hereby authoriſed and required to open an election at the ſaid houſe of William Moreland, for a governor, repreſentative or repreſentatives to the Congreſs of the United States, and members of the general aſſembly of this ſtate, on the days appointed by the conſtitution and laws of this ſtate, and ſubject to the rules and reſtrictions therein preſcribed, and receive the ballots of the perſons entitled to vote in the ſaid deſcribed companies of militia, under the rules and reſtrictions for holding elections in this ſtate; and the ballots ſo taken ſhall be ſealed up and tranſmitted to the court houſe of the county, on the ſucceeding day of ſaid election, under the directions of the coroner, or ſheriff, or ſaid ſheriff's proper deputy ; which ballots, ſo taken, ſhall, and are hereby declared to be part of the election of ſaid county, any thing to the contrary notwithſtanding.

Sec. 3. *Be it enacted,* That no citizen living in the ſaid deſcribed companies of militia, ſhall be entitled to vote at the court-houſe of ſaid county, under the penalty of ten dollars, nor any citizen reſiding out of ſaid companies ſhall be entitled to vote at any other place but at the court houſe of ſaid county, under the like penalty, any law to the contrary notwithſtanding.

Sec. 4. *Be it enacted,* That the inhabitants of the aforeſaid county, living within the boundary aforeſaid, may, after the paſſing of this act, hold general muſters at the place herein appointed for holding elections at the times appointed by the commanding officer of the county, whoſe duty it ſhall be to appoint and cauſe to be notified one of the majors of the ſaid county to attend each muſter by this act directed.

Sec. 5. *Be it enacted,* That the majors by this act directed to be appointed to attend each and every general muſter in the aforeſaid boundary, ſhall for each and every neglect or refuſal, forfeit and pay twenty five dollars, to be recovered before any juriſdiction having cognizance thereof, one half to the uſe of the perſon who will ſue for the ſame, the other half to the uſe of the county: *Provided nevertheleſs,* that no major of ſaid county ſhall be bound to attend any ſuch muſter unleſs he ſhall have at leaſt fifteen days previous notice of his being ſo appointed.

Sec. 6 *Be it enacted,* That it ſhall and may be lawful for any five or more of the commiſſioned officers attending each and every general muſter within the boundary aforeſaid, to hold courts martial on the day next ſucceeding ſuch muſters, and the major attending them ſhall preſide over the ſame : *Provided,* That no ſentence or decree of ſaid court martial ſhall be final except the party caſt ſhall agree thereto, but in all caſes the right of appeal to a regimental court martial of the county of Carter ſhall be had.

Sec. 7. *Be it enacted,* That the general muſters and courts martial directed to be held by this act, ſhall be held under the ſame rules and regulations as are by law directed for holding general muſters and courts martial within the ſeveral counties in this ſtate ; and it ſhall be the duty of the majors attending the ſame to receive the company returns, and tranſmit them to the commanding officer of the county as ſoon as may be.

Sec. 8. *Be it enacted,* That this act ſhall be in force from and after the firſt day of January next.

CHAP. XII.

AN ACT *to aſcertain the lines between Waſhington and Sullivan counties, and for other purpoſes* —(PASSED OCTOBER 20, 1797.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That Nathan Shipley, of the county of Waſhington, and John Anderſon, of the county of Sullivan, (ſurveyors) are hereby authoriſed and directed to aſcertain with preciſion, the line between Waſhington and Sullivan counties, which runs, beginning at the head of Indian creek, where the line divides Waſhington and Sullivan counties, from thence a ſtraight line ſo as to include David Hughs's plantation in Sullivan county, from thence a ſtraight line to ſtrike the ſouth ſide of Francis Hodge's plantation, from thence a ſtraight line to Watauga river, running down the meanders of ſaid river to its junction with the Holſton river, thence to the higheſt part of the Chimney Top Mountain, agreeably to original charters of ſaid counties.

Sec. 2. *Be it enacted*, That the ſaid ſurveyors, as ſoon as may be after the completion of the duties aſſigned them by this act, ſhall report to the next ſucceeding courts of their reſpective counties; and ſhall be allowed two dollars per day, to be paid by the treaſurer of each county reſpectively, upon the certificate of the chairman of ſaid courts.

Sec. 3. *Be it enacted*, That the ſaid Nathan Shipley and John Anderſon are hereby authoriſed and required, when entering on the buſineſs as contemplated by this act, to appoint ſome ſuitable perſon to mark and deſignatethe line as by them aſcertained, who ſhall be allowed for ſuch ſervicethe ſum of one dollar per day, to be paid proportionably between thecounties aforeſaid, upon the certificate of the ſaid ſurveyors, ſpecifyingthe number of days he was by them ſo employed.

Sec. 4. *Be it enacted*, That Thomas Berry and Robert Eſly be, and they are hereby appointed commiſſioners in the room and ſtead of Geo. Rutledge and Joſeph M'Minn, who were appointed by virtue of an act, entitled, "An act appointing commiſſioners to run the dividing line between the counties of Sullivan and Hawkins, from the mouth of the North Fork of Holſton," &c. and the ſaid Thomas Berry and Robert Eſly ſhall be allowed the ſame pay, and be under ſimilar reſtrictions in all reſpects whatever.

CHAP. XIII.

AN ACT *to repeal the ſecond ſection of an act, entitled*, "An act for erecting part of the county of Hawkins and part of the county of Knox into a ſeparate and diſtinct county," paſſed at Knoxville, one thouſand ſeven hundred and ninety ſix; and for appointing commiſſioners to purchaſe and lay off a place the moſt central and convenient in the county of Grainger for the purpoſe of erecting a court-houſe, priſon, and ſtocks, and for altering the line dividing the ſaid counties of Grainger and Hawkins, from James Blair's, ſenior, to the Virginia line.—(PASSED OCTOBER 28 1797.)

Section 1. BE *it enacted by the General Aſſembly of the State of Teneſſee*, That John Owens, ſen. John Britier, Iſaac Lane, George Bean, ſen. William Stone, Robert Boyd, Henry Howell, James Pears, Jacob Vanhoozer, William Millikin, and Michael Maſſingill be, and they or a majority of them are hereby appointed commiſſioners in the room of thoſe appointed in the above recited ſecond ſection, and are hereby veſted with ſimilar power, and under the ſame reſtrictions in all reſpects whatever.

Sec. 2. *Be it enacted*, That the ſaid commiſſioners or a majority of them, are hereby authoriſed to lay out a town on ſaid land to conſiſt of forty lots, with proper ſtreets and allies, numbered from one to forty incluſive, to be known by the name of *Rutledge* in honor to *George Rutledge*, eſquire, of Sullivan county.

Sec. 3. *Be it enacted*, That the ſaid commiſſioners are hereby required to complete the duties enjoined on them by this act, between the ſecond Monday of December, one thouſand ſeven hundred and ninety ſeven and the ſecond Monday of March, one thouſand ſeven hundred and ninety eight.

Sec. 4. *Be it enacted*, That the line dividing the aforeſaid counties ſhall be extended as follows, viz. Beginning at a marked tree, near the dwelling houſe of James Blair, ſen. on the line from Felps Reed's to Thomas Henderſon's, thence to the ſaid Henderſon's and Joel Dyer's ſouth weſt corner, thence a north courſe with ſaid Henderſon and Dyer's line, ſo as to leave the houſe of Robert Patterſon ten poles in Grainger county, thence a direct line to the upper end of the firſt iſland below the mouth of Big War Creek, thence to the Black Lick, leaving the houſe of William Hord in Hawkins county, thence with the laſt mentioned courſe to the top of Powell's Mountain, thence north thirty weſt to the Virginia line.

Sec. 5 *Be it enacted*, That William Payne be appointed ſurveyor, who, with two markers ſhall run and mark the ſaid amended line as early as practicable, and ſhall be allowed as follows, viz The ſurveyor for each day he ſhall neceſſarily attend, the ſum of two dollars per day, the markers each one dollar per day, to be paid by the county of Grainger.

Sec. 6. *Be it enacted*, That the ſecond ſection of an act, entitled, " An act for erecting part of the county of Hawkins, and part of the county of Knox, into a ſeparate and diſtinct county," paſſed at Knoxville, one thouſand ſeven hundred and ninety ſix, be and the ſame is hereby repealed.

CHAP XIV.

AN ACT directing the mode of ſettling with collectors of county taxes, and for other purpoſes —(PASSED OCTOBER 28 1797)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the ſeveral county courts in this ſtate ſhall, at the next court to be held in each county, from and after the firſt day of January next, appoint three commiſſioners, who ſhall hold their appointment during the term of four years, and at the expiration of the ſaid term, the reſpective courts ſhall appoint the ſame or others to fill ſuch vacancy under the ſame rules and reſtrictions as preſcribed in this act; *Provided always*, That ſuch courts ſhall not appoint any perſon who is a member of their own body, and the commiſſioners thus appointed, ſhall enter into bond with approved ſecurity in the ſum of one hundred dollars, payable to the chairman of the court and his ſucceſſors in office, conditioned for the faithful performance of the ſeveral duties required by this act.

Sec. 2. *Be it enacted*, That it ſhall be the duty of ſaid commiſſioners or a majority of them, to call upon ſuch perſon or perſons as ſhall be appointed for collecting county tax, in the following manner, viz.—At the expiration of twelve months from and after the collector entering into the duties of his appointment, and in every ſubſequent term of twelve months ſhall notify the ſaid collector to appear at ſuch time and place as they may judge proper for the purpoſe of making a final ſettlement for the year laſt paſt.

Sec. 3. *Be it enacted*, That the commiſſioners aforeſaid ſhall have full power to require the clerk and treaſurer of the reſpective counties to lay before them a copy of ſuch papers as they may judge neceſſary; and it ſhall further be the duty of the commiſſioners to make or cauſe to be made a full ſtatement of all the ſpecie and certificates collected within the year for which ſuch ſettlement is to be made, plainly diſtinguiſhing the amount of each, together with the diſburſements, to whom paid and for what purpoſe; which ſtatement the ſaid commiſſioners ſhall cauſe to be poſted up in the court houſe of their reſpective counties.

Sec. 4. *Be it enacted.* That there ſhall be a treaſurer appointed in each county whoſe duty it ſhall be to receive from the collectors, beſides ſpecie, jurors certificates and other certificates for which the county by law ſtands indebted, and for his ſervices done in receiving and diſburſing the ſame, together with the ſeveral duties neceſſary thereunto, ſhall receive five dollars for every hundred dollars ſo received and diſburſed.

Sec. 5. *Be it enacted,* That if any clerk or treaſurer ſhall refuſe at any time to furniſh the commiſſioners with ſuch papers and vouchers as they may judge neceſſary for perfecting any ſettlement or ſettlements which by this act they are authorized to make, then and in that caſe, the clerk or treaſurer ſo refuſing, ſhall forfeit and pay the ſum of five hundred dollars, to be ſued for in the name of the chairman of the court before any juriſdiction having cognizance thereof, and applied to the uſe of the county wherein ſuch failure was made

Sec 6. *Be it enacted,* That if any collecter or treaſurer ſhall refuſe at any time to receive in payment of county tax ſuch certificates as are mentioned in the third ſection of this act, or refuſe to pay or ſettle as by this act directed, he or they ſo refuſing, ſhall forfeit and pay the ſum of five hundred dollars, to be recovered and applied as heretofore directed, and if the commiſſioners or either of them ſhall fail at any time to fulfil the duties enjoined by this act, he or they for ſuch failure ſhall forfeit and pay the ſum of one hundred dollars to be recovered and applied as by this act directed.

Sec. 7 *Be it enacted,* That in caſe of death, refuſal to act, or removal out of the county of either of the commiſſioners ſo appointed, it ſhall be lawful for the ſaid court to proceed to fill ſuch vacancy in the ſame manner as before directed, which commiſſioner or commiſſioners ſhall have and exerciſe all the powers and authorities as the original commiſſioners had and exerciſed.

Sec. 8. *Be it enacted,* That it ſhall be lawful for the ſeveral courts aforeſaid, to make ſuch annual compenſation to the commiſſioners as they may judge adequate to their ſervices.

Sec. 9. *Be it enacted.* That where any military fines have been collected in any county within this ſtate and remain unaccounted for, it ſhall be the duty of the treaſurer of each and every county, and he is hereby authorized, on application made to him for that purpoſe, to notify the perſon or perſons, who may be informed hath military fines in his or their hands, to appear at a certain time and place in ſaid county within twenty days from and after ſuch notification, then and there to account for and pay ſuch fines to the ſaid treaſurer, whoſe receipt for the ſame ſhall be a ſufficient voucher for ſuch ſums ſo paid.

Sec. 10. *Be it enacted,* That in caſe any perſon in whoſe hand ſuch fines may remain ſhall neglect or refuſe to appear at the time and place appointed by the ſaid treaſurer, or in caſe he or they ſhall attend and refuſe to account for the ſaid fines, then and in that caſe it ſhall be the duty of the ſaid treaſurer, to inſtitute ſuit or ſuits in his own name, by action of debt, as in other caſes againſt the perſon ſo holding the ſaid fines, and refuſing to account therefor: *Provided,* That the monies ſo received ſhall appropriated to the uſe of the reſpective regiments in which ſuch fines ſhall have been collected.

Sec. 11. Be *it enacted,* That where any military fine has been aſſeſſed prior to this date and not collected, then and in that caſe the ſheriff or other perſon collecting ſuch fines is hereby directed to deſiſt from collecting any ſuch military fines, any law uſage, or cuſtom, to the contrary notwithſtanding. And if any perſon appointed to collect any ſuch fines as aforeſaid, ſhall hereafter preſume to collect contrary to this act, ſuch perſon on conviction ſhall forfeit and pay one hundred dollars.

CHAP. XV.

An ACT *pointing out the manner in which certain debts of the late county of Tenneſſee ſhall be diſcharged*—(PASSED OCTOBER 25, 1797.)

WHEREAS, prior to the diviſion of the county of Tenneſſee, the ſaid county was indebted to the citizens thereof for ſervices rendered as jurors, and for other purpoſes: And whereas no proviſion was made at the time of dividing ſaid county for the payment of ſaid claims:

Sec. 1. Be *it enacted by the General Aſſembly of the State of Tenneſſee,* That the citizens of Robertſon and Montgomery counties, who have claims granted to them by the late county of Tenneſſee. ſhall apply for and receive the ſame in the county whereof he is a citizan, which claims ſhall and may be received by the ſheriffs in the payment of the county taxes.

CHAP. XVI.

An ACT *authorizing the ſheriff of Sumner county to collect the ſtate taxes of all that part of Robertſon county that was late part of Sumner, and other purpoſes.*—(PASSED OCTOBER 27 1797)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the ſheriff of Sumner county, ſhall have full power and authority to collect the ſtate taxes of all that part of Robertſon county, that was late a part of Sumner county, that is due to ſaid county for the year one thouſand ſeven hundred and ninety ſix.

Sec. 2. Be *it enacted,* That all dividing lines of counties within this ſtate running through tracts of land, that the owner of ſaid tract or tracts ſhall, when giving in his liſt of taxable property, give in ſaid land in the county where his houſe and improvement may be, and if not improved he ſhall give it in, in the county where the largeſt part of ſaid tract of land ſhall lie, any law, uſage, or cuſtom to the contrary notwithſtanding.

CHAP. XVII.

An ACT *for eſtabliſhing a Stone Meeting Houſe, in the town of Naſhville, to the uſe and benefit of the Methodiſt Epiſcopal Society.*—(PASSED OCTOBER 25 1797)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That whereas the ſociety called the Methodiſt, have erected a meetting houſe on the public ſquare in the town of Naſhville, and ought to have the excluſive uſe and privilege thereof ſecured to them, Be *it enacted,* That the truſtees of the town aforeſaid, ſhall and they are hereby authoriſed to execute a deed to five perſons, ſuch as the ſaid ſociety ſhall appoint, for the land whereon ſaid houſe ſtands, to include fifteen feet on each ſide and end of ſaid houſe, except the ſide next

Cumberland river, and that to extend as far as the line of the public ſquare; which ſhall veſt in the ſaid appointees of the ſaid ſociety as a houſe of public worſhip, and for no other uſe or purpoſe whatever, nor ſhall the ſaid appointees have power to alien their title to the ſame, to any perſon or perſons whatever.

Sec. 2. *Be it enacted,* That the truſtees of Naſhville ſhall have power to lay off, and appoint ſuitable places on ſaid public ſquare for any religious ſect to erect a houſe or houſes of public worſhip on, under the ſame rules and reſtrictions that are above preſcribed for the ſociety aforeſaid.

Sec. 3 *Be it enacted,* That all laws, or parts of laws, which come within the purview and meaning of this act, ſhall be null and void, any law, uſage, or cuſtom to the contrary notwithſtanding.

CHAP. XVIII.

AN ACT *to eſtabliſh Fairs in the county of Greene.*—

(PASSED OCTOBER 27, 1797)

BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the citizens of the county of Greene ſhall have the privilege of holding two fairs in each and every year at the town of Greeneville, for the purpoſe of ſelling all kind of goods, wares, and merchandize, free to every citizen of the ſtate, ſubject to ſuch regulations as may hereafter be eſtabliſhed by law, and the ſaid fairs ſhall be held on the third Tueſdays in the months of May and November in each year, and may continue for two days each.

CHAP. XIX.

AN ACT *for the eſtabliſhment of Fairs in the county of Knox.*

(PASSED OCTOBER 20, 1797)

BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the inhabitants of the county of Knox, ſhall have the privilege of holding two fairs in each and every year, in Knoxville, for the purpoſe of ſelling all kind of goods, wares, and merchandize, free to every citizen of this ſtate, ſubject to ſuch regulations as may be hereafter eſtabliſhed, and the ſaid fairs ſhall be held on the fourteenth day of February, & the fourth day of July, in every year, except it ſhould fall on the Sabbath day, in which caſe ſuch fair ſhall be held on the ſucceeding day.

CHAP. XX

AN ACT *to eſtabliſh a town by the name of Port Royal on the ſouth bank of Red River, at the junction of Sulphur Fork, in Montgomery county, on the lands of Samuel Wilcox.*—(PASSED OCTOBER 25, 1797)

WHEREAS a town hath been laid off, on the ſouth bank of Red River, at the junction of the Sulphur Fork, on the lands of Samuel Wilcox, and a conſiderable number of lots ſold by the proprietor; and the purchaſers of theſe lots are deſirous that the town ſhould be eſtabliſhed by legiſlative authority:

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That thirty acres of land lying on the ſouth bank of Red River at the junction of the Sulphur Fork, belonging to the ſaid Samuel Wilcox, who has ſignified his conſent for this purpoſe, be eſtabliſhed a town and town common, agreeable to a plan laid off by the ſaid Samuel Wilcox, conſiſting of thirty ſix lots of half acre each, together with a ſquare of two acres, with neceſſary ſtreets and allies, numbered from one to thirty-ſix, both numbers incluſive, is hereby eſtabliſhed a town by the name of Port Royal, agreeable to the plan of ſaid town.

Sec. 2. *Be it enacted,* That from and after the paſſing of this act, Francis Prince, Jonathan Stephenſon, John Baker, William Mitcherſon and William Connel, be and they and every of them are hereby conſtituted commiſſioners for the further deſigning, building and improving the ſaid town, and they ſhall ſtand ſeized of an indefaſible eſtate in fee ſimple, of and in the land ſo laid off, to and for the uſes and purpoſes hereby expreſſed and declared; and the ſaid commiſſioners or a majority of them, ſhall make and execute deeds to ſuch reſpective perſons as have become purchaſers of any lot or lots in ſaid town, at the coſt & charge of the grantee or grantees, which lot or lots, by virtue of ſuch conveyance ſhall be held to ſuch purchaſer or purchaſers in fee ſimple, to his or their heirs and aſſigns forever.

Sec. 3 *Be it enacted,* That all monies which ſhall ariſe from the diſpoſal of the lots of the ſaid town, by the commiſſioners, ſhall be received by them or their ſucceſſors, and after deducting their reaſonable charges and expences, the ſame ſhall be paid by them to the ſaid Samuel Wilcox, his heirs, executors, adminiſtrators, or aſſigns. And for continuing the ſucceſſion of the ſaid commiſſioners,

Sec. 4. *Be it enacted,* That in caſe of death, refuſal to act, or removal of any of the ſaid commiſſioners, the ſurvivors, or a majority of them, ſhall aſſemble, and are hereby authorized to nominate and appoint by inſtrument in writing under their hands, ſome other perſon, being an inhabitant and freeholder of the ſaid county, in the place and room of him ſo dead, refuſing to act, or removing out of the county, which ſaid commiſſioner or commiſſioners ſo appointed, ſhall have and exerciſe all the ſame powers and authorities in all matters herein contained, as the perſon in whoſe room and ſtead he was ſo appointed had and exerciſed.

CHAP. XXI

AN ACT *for the regulation of Knoxville* —(PASSED OCT 27, 1797.)

WHEREAS an act of aſſembly was paſſed at a ſeſſion of the general aſſembly, began and held at Knoxville on the twenty fifth day of Auguſt, 1794, eſtabliſhing Knoxville, and appointing commiſſioners for the regulation thereof, who, with the conſent of the proprietor were veſted with power to enlarge the ſame, which they have done by annexing thereto fifty nine lots with the neceſſary ſtreets. And whereas the power veſted in the ſaid commiſſioners by the aforeſaid act, were joint, and ſome of the commiſſioners having removed, put it out of the power of the others to act:

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the aforeſaid fifty nine lots, with the neceſſary ſtreets laid out as aforeſaid, ſhall be a part of Knoxville, and that five commiſſioners ſhall be choſen on the firſt Saturday in November next, and that the ſheriff of Knox county or his deputy, ſhall give notice, by advertiſing the ſame at three of the moſt public places in Knoxville, at leaſt ten days previous thereto, and attend at the court houſe on the ſame day, and at the hour of ten o'clock in the forenoon, open the poll and receive the tickets in the preſence of two inſpectors, and cloſe the ſame at the hour of four o'clock in the afternoon of the ſame day and ſhall in preſence of ſuch of the electors as chooſe to attend, examine and number the ballots, and the five perſons having the greateſt number of votes ſhall be declared duly elected, and in like manner the ſheriff of the ſaid county, or his deputy, ſhall on the firſt Saturday in November in every ſecond year, hold a ſimilar election, under the penalty of fifty dollars for every neglect or refuſal, to be recovered by action of debt in the county court of Knox, by any perſon who ſhall ſue for the ſame in ſix months after ſuch neglect or refuſal, one half to the proſecutor, the other half to be paid to the treaſurer of the ſaid town, for the uſe of the town; and the commiſſioners ſo choſen, ſhall before they enter on the duties of their office take the following oath: I, A. B. do ſwear, (or affirm as the caſe may be) that I will faithfully diſcharge the office of commiſſioner for Knoxville, agreeable to law and the beſt of my knowledge and abilities.

Sec. 2. *Be it enacted*, That the commiſſioners of the ſaid town ſhall chooſe and appoint a proper perſon to be their clerk, to act as ſuch during good behaviour, who ſhall be allowed a reaſonable ſalary, and ſhall enter into bond to the commiſſioners of the ſaid town, and their ſucceſſors, with two ſufficient ſecurities, in the ſum of three hundred dollars, conditioned for the due and faithful execution of his office, whoſe books and papers every perſon may have acceſs to, on paying twenty five cents, each perſon; and on neglect or refuſal by the clerk, to permit ſuch examination of his books or papers, he ſhall forfeit and pay two dollars, to be recovered before any juriſdiction having cognizance thereof.

Sec. 3. *Be it enacted*, That the commiſſioners ſhall appoint one of their body to act as treaſurer of the town for two years, to receive and account for the town monies, and to keep regular accounts thereof; and upon the appointment of a new treaſurer, the old one ſhall immediately deliver up his books and paſs his account with him and pay him any balance there may be in his hands, which treaſurer, before he enters upon the duties of his office, ſhall give bond with two ſufficient ſecurities to the other commiſſioners, for the faithful diſcharge of his duties.

Sec. 4. *Be it enacted*, That the commiſſioners ſhall annually levy a tax on each town lot, not exceeding two dollars, and parts of lots in proportion; on each and every taxable white poll, not exceeding ſeventy five cents; and on each and every taxable ſlave, not exceeding one dollar and fifty cents, which tax ſhall be collected by a warrant under the hands and ſeals of the commiſſioners, directed to ſuch perſon or perſons as they ſhall appoint for that purpoſe; and the collector to be by them appointed is hereby empowered and directed to collect and make diſtreſs for the ſame, in like manner as collecting of public taxes; and the monies ariſing therefrom, after deducting ſix per cent. for commiſſions, ſhall by him be paid into the hands of the town treaſurer to be by the commiſſioners applied and laid out in clearing and repairing the ſtreets, paying officers for tranſacting the buſineſs of the town, and in ſuch other public work and buſineſs as the commiſſioners may deem neceſſary.

Sec. 5. *Be it enacted*, That it ſhall be the duty of one of the commiſſioners, who ſhall be by themſelves appointed, to attend at the time and place that ſhall be appointed for the inhabitants of Knoxville to give in their liſts of taxable property and receive a liſt of the taxable property in Knoxville; and if any perſon or perſons, who are the owners of taxable property in ſaid town, ſhall fail to make return thereof to the ſaid commiſſioner, by themſelves, their agents or attornies, the perſon or perſons, ſo failing ſhall pay a double tax and a fine of ten dollars for ſuch failure; and the ſaid commiſſioner, appointed as aforeſaid, ſhall return, to the beſt of his knowledge, a liſt of the taxable property of the perſon or perſons ſo failing to make return, which fine ſhall be collected with the tax, and paid to the treaſurer for the uſe of the town.

Sec. 6. *Be it enacted*, That where any encroachment is made on the ſtreets of Knoxville, that the commiſſioners may apprehend to be dangerous, they ſhall order the ſame to be removed by the owner of ſuch lot; and if it is not removed within ſixty days after ſuch order of removal is given, the commiſſioners may impoſe and collect ſuch fine as they ſhall judge proper not exceeding twenty dollars, and continue to give notices as aforeſaid, and on failure as aforeſaid, to impoſe and collect fines as aforeſaid, until it ſhall be removed; and where any encroachment ſhall be found on any ſtreeet or ſtreets from which no immediate danger is apprehend, the ſaid commiſſioners ſhall impoſe a ground rent of twenty five cents for every ſquare yard covered by ſuch encroachment, and collect the ſame by warrant, under their hands and ſeals, for the benefit of ſaid town: *Provided*, That no cellar door ſhall be conſidered as an encroachment, unleſs it extend more than four feet into the ſtreet.

Sec. 7. *Be it enacted*, That no perſon ſhall be deemed qualified to vote for or be elected a commiſſioner, but thoſe that own a lot, or part of a lot in ſaid town.

Sec. 8. *Be it enacted*, That it ſhall be the duty of the commiſſioners, within ſix months after their appointment, to cauſe an accurate plan of the ſaid town to be made and regiſtered in the regiſter's office of the county of Knox, for the benefit of all perſons concerned, with their names as commiſſioners, ſubſcribed thereto; and to deſignated the four corners of the two ſtreets that croſſed each other in the centre of the old part of ſaid town, by the fixture of a ſtone at each corner at leaſt eighteen inches in the ground, and ſix inches above, and to uſe good care that they neither be removed nor defaced.

Sec. 9. *Be it enacted*, That a majority of the commiſſioners ſhall have the ſame power to act that the whole of them could have were they all convened together.

Sec. 10. *Be it enacted*, That if any of the commiſſioners who ſhall at any time be elected, ſhould die, remove out of the town, or refuſe to qualify, the remaining commiſſioners ſhall elect others in the room and ſtead of thoſe dying, removing, or refuſing to qualify, which commiſſioner or commiſſioners ſo elected, and qualified, by taking the oath aforeſaid, ſhall have the ſame powers as the other commiſſioners have by this act.

CHAP. XXII.

An ACT *to enlarge the town of Clarkſville* — PASSED OCTOBER 25 1797.

Section 1. *BE it enacted by the General Aſſembly of the State of Tenneſſee*, That the town of Clarkſville ſhall be enlarged by an addition of fifty ſix town lots, and fifty ſix out lots, to be laid off on the lands of Peter D. Roberts, with proper ſtreets and allies, and to be contained within the following boundaries; Beginning at a ſweet gum and hickory on the margin of Cumberland river, the ſouth weſt corner of the aforeſaid town, thence eaſt three thouſand one hundred and eight feet, thence ſouth five deg. eaſt one thouſand three hundred and forty four feet, thence weſt to the aforeſaid river, thence down the ſaid river to the begining

Sec. 2. *Be it enacted,* That each town lot ſhall be two hundred forty ſeven feet and one half in length, and eighty eight feet in breadth, containing one half acre; and each out lot ſhall be four hundred and ſeventy-ſix feet in length, and ninety one feet and one half foot in breadth, containing one acre, the longeſt ſides of which lots of land ſhall be eaſt and weſt; and the ſaid lots of land, with proper ſtreets and allies, ſo laid off as aforeſaid, ſhall be part of, and be under the ſame rules, regulations, and reſtrictions as provided for in the act of the general aſſembly for laying off the town of Clarkſville.

Sec. 3. B*e it enacted,* That the proprietor of the ſaid land on which the ſaid lots as aforeſaid are directed to be laid off, is hereby required to make conveyances, by deed, of the ſaid lots of land to the purchaſers, on payment of, or on ſecuring the payment of the purchaſe money to the ſaid proprietor.

Sec. 4. *Be it enacted,* That this act ſhall be in force and uſe from and after the paſſing thereof.

XXIII

AN ACT *appointing additional Commiſſioners to the town of Palmyra.*

(PASSED OCTOBER 20, 1797.)

BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That James Brown, William Downs, and Burrell Morland Williamſon, be, and they are hereby appointed commiſſioners, with full power and authority to act with thoſe formerly appointed, by an act of the general aſſembly of the ſtate of Tenneſſee, begun and held at Knoxville, on the 28th day of March, one thouſand ſeven hundred and ninety ſix.

XXIV

AN ACT *to enlarge the town of Joneſborough in the county of Waſhington*—(PASSED OCTOBER 29, 1797.)

WHEREAS it hath been repreſented to this general aſſembly, by a number of the inhabitants of the town of Joneſborough, that very conſiderable advantage would reſult to them by enlarging the ſaid town:

Sec. 1. *Be it enacted by the General Aſſembly of the State of Tenneſſee,* That the commiſſioners of the town of Joneſborough or a majority of them, be, and are hereby authoriſed, by and with the conſent of the proprietors of the land adjoining the north eaſt end of the ſaid town, to lay out ſix lots on each ſide of the main ſtreet of the ſaid town, ſo as to run parallel with the ſame, with ſuch and ſo many ſtreets and allies, as the ſaid commiſſioners, or a majority of them, may deem neceſſary.

Sec. 2. B*e it enacted,* That the ſaid lots, ſo laid out as aforeſaid, ſhall be numbered agreeable to the plan thereof, and conſidered as a part of the town of Joneſborough, and ſubject to the rules and regulations thereof.

XXV.

AN ACT *to eſtabliſh a town by the name of Nelſonville.*—

(PASSED OCTOBER 20, 1797.)

WHEREAS Major John Nelſon hath laid off a town on his own land lying on the waters of Big Harpeth in the the county of Davidſon, and has prayed that a law may be paſſed by the legiſlature for the eſtabliſhment thereof:

Sec. 1 *Be it enacted by the General Aſſembly of the State of Tennessee,* That the ſaid town ſhall be called and known by the name of Nelſonville, agreeable to the preſent plan of ſaid town, a copy of which the ſaid Nelſon is hereby required to file in the clerk's office of the county of Davidſon, in two months after the paſſing of this act.

Sec 2. *Be it enacted,* That Joel Lewis, James Maclin, William Lytle, and John Davis, are hereby conſtituted and appointed commiſſioners for the regulation of ſaid town of Nelſonville, who are hereby declared to be veſted with full power and authority for that purpoſe, but to govern themſelves in their arrangements by the original plan of ſaid town and the rules already eſtabliſhed by the proprietor for its regulations.

CHAP. XXVI.

AN ACT *to eſtabliſh a town on the ſouth bank of Holſton river in Sullivan county, at Sheat's ford, on the plantation whereon Samuel M'Corkle now lives.*—(PASSED OCTOBER 2, 1797)

WHEREAS the ſaid Samuel M'Corkle hath laid off a town containing ſixty quarter acre lots, and as many more as ſhall be neceſſary for ſaid town, with ſtreets and allies, and a number of lots ſold by the ſaid Samuel M'Corkle; and the purchaſers of theſe lots deſirous that the town ſhould be eſtabliſhed by legiſlative authority:

Sec. 1. BE *it enacted by the General Aſſembly of the ſtate of Tenneſſee,* That the ſaid town be and is hereby eſtabliſhed by the name of Middletown.

Sec. 2. *Be it enacted,* That from and after the paſſing this act, Robert Alliſon, Francis Hodge, Andrew Crocket, Jonathan Owens, and Jacob Kneidever, be, and they, and every of them, are hereby conſtituted commiſſioners for the further deſigning, building, and improving the ſaid town.

Sec. 3. *Be it enacted,* That in caſe of death, refuſal to act, or removal out of the county, of any of the ſaid commiſſioners, the ſurvivors, or a majority of them, ſhall aſſemble, and are hereby authorized to nominate and appoint, by inſtrument in writing under their hands, ſome other perſon or perſons, being an inhabitant and freeholder in ſaid county, in the room of him ſo dead, refuſing to act, or removing out of the county, which ſaid commiſſioners, ſo appointed, ſhall have and exerciſe all the ſame powers and authorities in all matters herein contained, as the perſon or perſons in whoſe room he or they may be ſo appointed.

Sec. 4 *Be it enacted,* That this act ſhall not be in force, or any thing therein contained, until the ſaid Samuel M'Corkle, ſhall execute good and ſufficient deeds, in fee ſimple, to all ſuch perſons as have purchaſed lots in the town aforeſaid, and until the ſaid Samuel M Corkle ſhall execute a deed, in fee ſimple, to the aforeſaid commiſſioners, for four acres, adjoining the town, to be laid out as commons for the uſe thereof.

CHAP. XXVII.

AN ACT *to repeal an act entitled,* "An act appointing commiſſioners and truſtees, the former to fix on a place in the county of Sumner, and the latter to purchaſe land, erect a court houſe, priſon, and ſtocks, and eſtabliſhed a town thereon," paſſed at Knoxville in the year 1796, and for the other purpoſes herein mentioned. PASSED OCT. 2.

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the ſaid act be, and the ſame is hereby repealed and of no effect.

Sec. 2. *Be it enacted,* That James Clendennin, Kaſper Manſker, William Edwards, William Bowen, Captain James Wilſon, ſon of John Wilſon, James Frazier, More Stephenſon, William Gilleſpie, James White, Wetherel Lattimore, and John Morgan, be, and they are hereby appointed commiſſioners to make choice of a place the moſt convenient in the county of Sumner, to purchaſe land, erect a court houſe, priſon and ſtocks, and eſtabliſh a town thereon, having reſpect to the centre of ſaid county, which is not to extend more than twenty five miles, on a direct line from the ford of Manſker's creek, on the road leading from Manſker's lick to Bledſoe's lick.

Sec 3. *Be it enacted,* That if the ſaid commiſſioners, or two thirds of them, ſhould not agree on a place agreeable to the mode preſcribed in the preceding ſection, then, and in that caſe, they ſhall call on the county ſurveyor, who ſhall, with two ſworn chain carriers, and under the inſpection of the ſaid commiſſioners, or two thirds of them, meaſure from the ford of Mansker's creek, aforeſaid, up the road leading by John Dawſon's to Bledſoe's lick, and at the diſtance of twelve and an half miles from the beginning, on the aforeſaid direct line, which ſaid beginning is on the lower line of ſaid county, run a parallel line as near as may be with the lower line of ſaid county to the bank of Cumberland river, and the ſaid commiſſioners, or two thirds of them, ſhall then proceed to make choice of the moſt convenient place for the aforeſaid purpoſe, having regard to water and ſituation, but ſhall not fix on any place, which ſhall exceed one and an half miles from ſaid parallel line.

Sec. 4. *Be it enacted,* That the ſaid ſurveyor and chain carriers ſhall be allowed a reaſonable compenſation for their ſervices, to be aſcertained by a majority of the acting juſtices of Sumner county, on their producing a certificate, ſigned by two thirds of the commiſſioners, certifying the number of days they have attended; and the chairman of the court is hereby authorized, on receipt of ſaid certificate, to iſſue an order to the treaſurer of the ſaid county to pay the ſum therein ſpecified, which ſaid order ſhall be a ſufficient voucher for the treaſurer to pay the ſame.

Sec. 5. *Be it enacted,* That if the county ſurveyor ſhall refuſe to act, or in caſe of his death, reſignation, or removal out of the county, then the ſaid commiſſioners, or a majority of them are hereby authorized to appoint any ſurveyor of known abilities, to run the aforeſaid line, who ſhall, before they proceed to the execution thereof, take an oath faithfully to perform the duties enjoined by this act, and the perſon ſo choſen, ſhall be allowed the ſame fees as the county ſurveyor would have been, had he have done the ſame.

Sec. 6. *Be it enacted,* That Daniel Smith, James Wincheſter, and Wilſon Cage, be, and they are hereby appointed truſtees, with full power and authority to purchaſe two hundred acres of land at the place appointed by the commiſſioners aforeſaid on the beſt terms it can be had, and receive a deed or deeds of conveyance for the ſame, which ſhall be good and valid in law, and ſhall veſt in them, and their ſucceſſors in office, a complete title for the uſe in this act expreſſed.

Sec. 7. *Be it enacted,* That the ſaid truſtees ſhall be called and known by the name of the truſtees of the town of *Ca Ira,* and ſhall have full power to elect a ſuitable perſon or perſons, to fill any vacancy that may happen in their own body, by death, reſignation or otherwiſe.

Sec. 8. *Be it enacted,* That the ſaid truſtees, ſhall proceed, as ſoon as may be after purchaſing ſaid land, to lay off a town thereon, to be called and known by the mame of *Ca Ira,* to conſiſt of ſuch number of lots as they may think proper, of not more than half an acre of land in each lot or lots, with convenient ſtreets and allies, and commons, and a public ſquare to contain two acres.

Sec. 9. *Be it enacted,* That the ſaid truſtees be, and they are hereby authorized, as ſoon as ſaid town ſhall be laid out, to ſell the ſaid lots at public ſale, at ſix months credit, firſt giving thirty days previous notice of the ſale, by advertiſing of the ſame at four of the moſt public places in ſaid county, taking bond with ſufficient ſecurity for the payment of the purchaſe money to themſelves and their ſucceſſors in office; and the ſaid truſtees, or a majority of them, are hereby authorized to ſign, ſeal, and deliver to each of the purchaſers of ſaid lots, a deed of conveyance, in fee ſimple for the ſame which, deed ſhall be good and valid to all intents and purpoſes.

Sec. 10. *Be it enacted,* That as ſoon as the truſtees ſhall have laid out ſaid town, they ſhall fix on a convenient place in the public ſquare in ſaid town, to build a court houſe, priſon, and ſtocks, for the uſe of ſaid county, which court houſe, ſhall be ſufficiently large to contain convenient rooms for jurors, and the ſaid priſon ſhall conſiſt of at leaſt two rooms.

Sec. 11 *Be it enacted,* That the monies ariſing from the ſale of the aforeſaid lots, and ſhall be paid to the truſtees, and ſhall be by them applied to the building of the court houſe, priſon and ſtocks aforeſaid, and the truſtees are hereby authoriſed to contract with a ſuitable perſon or perſons to erect the ſame,

Sec 12. *Be it enacted,* That the tax already laid by the county court of Sumner, for the purpoſe of purchaſing the land ſo fixed on by the commiſſioners, ſhall be paid by the collector into the hands of the ſaid truſtees, appointed by this act, after retaining the ſame per centum that is allowed him by law, for the collection of the public tax, to be by them applied to the purchaſe of the aforeſaid land, and the overplus, if any, ſhall be an additional fund to that before mentioned, to defray the expences of the buildings aforeſaid.

Sec. 13 *Be it enacted,* That the ſaid truſtees ſhall keep a fair and regular ſtatement of all monies by them received and expended for the uſe aforeſaid, which ſtatement ſhall be laid before the court of ſaid county, when required by ſaid court; and if it ſhall appear that the monies already appropriated, ſhould not be ſufficient to defray the expences of ſaid purchaſe and buildings, the court ſhall have full power to lay a county tax for one year, to make up ſuch deficiency: *Provided,* That two thirds of the acting juſtices are preſent when the taxes are laid; and *provided alſo,* that ſaid tax ſhall not exceed ſix and one fourth cents on every white poll between the age of twenty one and fity years; a tax not exceeding twelve and a half cents on every black poll between the age of ten and fifty years; a tax not exceeding one dollar on each ſtud horſe, and a tax not exceeding ſix and one fourth cents on each hundred acres of land in ſaid county; which ſaid tax (if found neceſſary to be laid by ſaid court) ſhall be collected in the ſame manner, and by the ſame perſon as public taxes are; and the monies ariſing therefrom ſhall be paid by the collector thereof, after retaining the ſame per centum as is allowed by law for the collection of public taxes, into the hands of the aforeſaid truſtees, to be by them applied to the uſe of the purchaſe and buildings aforeſaid.

Sec. 14. *Be it enacted*, That the aforeſaid truſtees ſhall enter into bond, jointly, in the ſum of two thouſand dollars each, payable to the chairman of the court of ſaid county, and his ſucceſſors in office, conditioned for the faithful performance of the duties enjoined on them by this act.

Sec. 15. B*e it enacted*, That the ſaid truſtees, when the whole is completed, ſhall lay before the court of the ſaid county, a fair and juſt ſtatement of all the expences of ſaid purchaſe and buildings, and ſhall be allowed a reaſonable compenſation for their ſervices, to be adjudged and allowed of by the court. *Provided*, That two thirds of the acting juſtices of ſaid county are preſent when ſuch allowance are made.

C H A P. XXVIII.

AN ACT *eſtabliſhing a town by the name of Wayneſborough, an a north bluff of Cumberland river; known by the name of Lancaſter's bluff below Heaton's old ſtation in Davidſon county, on the lands of Willie* Barrow.

PASSED SEPTEMBER 27, 1797

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That a town ſhall be laid off on ſaid bluff, conſiſting of one hundred and fifty lots, of half acre each, together with a ſquare of two acres, with the neceſſary ſtreets and allies, numbered from one to one hundred and fifty, both numbers incluſive, is hereby eſtabliſhed a town by the name of Wayneſborough, agreeable to the plan of ſaid town, ſo to be laid off by the commiſſioners hereafter named.

Sec. 2. *Be it enacted*, That from and after the paſſing of this act, Howel Tatum, William Donelſon, Thomas Molloy, Thomas Talbot, and Edmond Gamble, eſquires, be, and they and every of them are hereby conſtituted commiſſioners for the further deſigning, building, and improving the ſaid town; and they ſhall ſtand ſeized of an indefeaſible eſtate in fee ſimple, of and in the land ſo to be laid off (except the choice of four lots to the ſaid Willie Barrow) to and for the uſes and purpoſes hereby expreſſed and declared; and the ſaid commiſſioners, or a majority of them, ſhall make and execute deeds to ſuch reſpective perſons as ſhall become purchaſers of any lot or lots in ſaid town, at the coſts and charges of the ſaid grantee or grantees; which lot or lots, by virtue of ſaid conveyance, ſhall be held to ſuch purchaſer or purchaſers, in fee ſimple, to his or their heirs and aſſigns for ever.

Sec. 3 *Be it enacted*, That all monies which ſhall ariſe from the diſpoſal of the ſaid lots of the ſaid town, by the commiſſioners, ſhall be received by them or their ſucceſſors, and after deducting their reaſonable charges and expences, the ſame ſhall be paid by them to the ſaid Willie Barrow, his heirs, executors, adminiſtrators, or aſſigns. And for continuing the ſucceſſion of the ſaid commiſſioners,

Sec. 4. Be *it enacted*, That in caſe of death, refuſal to act, or removal of any of the ſaid commiſſioners, the ſurvivors, or a majority of them, ſhall aſſemble, and are hereby authorized to nominate and appoint, by inſtrument in writing, under their hands, ſome other perſon, being an inhabitant and free holder of the ſaid county, in the place and room of him ſo dead, refuſing to act, or removing out of the ſaid county; which ſaid commiſſioners ſo appointed, ſhall have and exerciſe all the ſame powers, and authorities in all matters herein contained, as the perſon in whoſe room and ſtead he was ſo appointed, had and exerciſed.

CHAP. XXIX.

AN ACT *to frame a certain tract of land into townſhips, lying in Sumner county and ſet forth to be the property of Thomas Storm, eſq. of New York, and his aſſociates* — (PASSED OCTOBER 27, 1797)

BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That ſaid tract be diſtinguiſhed into two townſhips, one to comprehend the ſoutherly part of the premiſes as follows: Beginning at a ſugar tree, poplar and elm, marked R K, and other letters, ſtanding on the ſouth bank of a large fork of the Caney Fork of Cumberland river, about three hundred yards above where the path leading to Chickamaga croſſes the ſaid fork; thence running ſouth three miles; thence eaſt ſeven miles; thence north five miles; thence weſt ſix miles; thence ſouth two miles; thence weſt one mile, to the beginning, containing thirty three ſquare miles, to be known and forever denominated by the name of Manningvale. And the other townſhip to comprehend all the reſidue of the premiſes, beginning at the north weſt corner of the aforeſaid townſhip of Manningvale, thence running eaſt by the northern boundary of ſaid Manningvale ſix miles, to its north eaſt corner; thence north ſix miles; thence weſt ſix miles; thence ſouth ſix miles, to the beginning, containing thirty ſix ſquare miles, and being ſix miles ſquare, to be known and forever denominated by the name of Fiſkland: *Provided nevertheleſs*, That nothing herein contained ſhall be ſo conſtrued as to encourage any breach or infraction of any exiſting law of the United States whatever.

CHAP. XXX.

AN ACT *to eſtabliſh a town by the name of Bledſoeſborough, on the north bluff of Cumberland river known by the name of Saunders's bluff, between the mouth of Dixon's creek and Dry creek, in Sumner county, on the lands of Will Saunders* — (PASSED OCT. 25, 1797)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That a town ſhall be laid off on ſaid bluff, conſiſting of two hundred lots, of half acre each, together with a public ſquare of two acres, with neceſſary ſtreets and allies, numbered from one to two hundred, both numbers incluſive, by the name of Bledſoeſborough, agreeably to the plan of ſaid town, ſo to be laid off by the commiſſioners hereafter named.

Sec. 2. *Be it enacted*, That from and after the paſſing of this act, Tilmon Dixon, William Alexander, Charles Donohoe, Peter Turney, and Henry M'Kinney, they and each of them are hereby conſtituted commiſſioners, for the further deſigning of building and improving the ſaid town; and they ſhall ſtand ſeized of an indefeaſible eſtate in fee ſimple, of and in the land ſo to be laid off, except the choice of four lots to the ſaid Will Saunders, to and for the uſes and purpoſes hereby expreſſed and declared; and the ſaid commiſſioners, or a majority of them, ſhall make and execute deeds to ſuch reſpective perſons, as ſhall become purchaſers of any lots in ſaid town, at the coſt and charges of the grantee or grantees; which lot or lots, by virtue of ſuch conveyance, ſhall be held to ſuch purchaſer or purchaſers in fee ſimple, to his or their heirs and aſſigns forever.

Sec. 3. *Be it enacted*, That all monies which ſhall ariſe from the diſpoſal of the lots of the ſaid town, by the commiſſioners, ſhall be received by them, or their ſucceſſors, and after deducting their reaſonable charges and expences, the ſame ſhall be paid by them to the ſaid Will

Saunders, his heirs, executors, adminiſtrators or aſſigns. And for continuing the ſucceſſion of the ſaid commiſſioners,

Sec. 4. *Be it enacted.* That in caſe of death, removal or refuſal to act of any of the ſaid commiſſioners, the ſurvivors, or a majority of them ſhall aſſemble, and are authoriſed to nominate and appoint, by inſtrument in writing, under their hands, ſome other perſon being an inhabitant and freeholder of the ſaid county, in the room and place of him ſo dead, removing out of the county or refuſing to act, which ſaid commiſſioner or commiſſioners ſo appointed, ſhall have and exerciſe all the ſame powers and authority, in all matters herein contained, as the perſon in whoſe room and ſtead he was ſo appointed had and exerciſed.

CHAP. XXXI.

AN ACT *appointing additional commiſſioners for regulating the town of Greeneville in the county of Greene.*—(PASSED OCTOBER 4, 1797.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That John Gibreath, Alexander Gilbreath, Major Temple, James Stinſon, James Penny, Robert Wyley, John Temple, John Ruſſell, John Harman, John Gibſon, James Taylor and William Dinwiddy, are hereby appointed to act with as many of the old commiſſioners as have not removed out of ſaid county, and ſhall be conſidered as acting commiſſioners for the town of Greeneville, in the county of Greene, and they ſhall ſtand ſeized with an indefeaſible eſtate of the lands heretofore by law laid out for the purpoſes and uſe of ſaid town, in as full and ample a manner as any of the commiſſioners of ſaid town heretofore by law were ſeized.

Sec. 2. *Be it enacted,* That the ſaid commiſſioners ſhall and may take upon them the regulation and management of the ſaid town, having regard to the manner and form the ſame hath heretofore been laid out by any former commiſſioners, by law appointed for that purpoſe.

Sec. 3. *Be it enacted,* That from and after the paſſing of this act, the commiſſioners aforeſaid ſhall be, and they and every of them, are hereby conſtituted directors and truſtees for the deſigning and improving the town aforeſaid, and they or a majority of them ſhall have power to meet as often as they may think neceſſary, for all purpoſes contemplated in this act.

Sec. 4. *Be it enacted,* That the ſaid truſtees or a majority of them, ſhall make and execute deeds for conveying lots, as heretofore by law laid out in ſaid town.

Sec. 5. Be *it enacted,* That the ſaid commiſſioners, or a majority of them, ſhall and may cauſe the ſtreets of ſaid town to be kept in good repair: *Provided,* They call on none but the inhabitants of ſaid town for that purpoſe, and ſaid commiſſioners ſhall have power to exerciſe their authority as regulators of ſaid town, in all reſpects whatever.

CHAP. XXXII.

AN ACT *to divorce David Coldwell from his wife Elizabeth.*

(PASSED OCTOBER 20, 1797.)

WHEREAS Elizabeth, the wife of David Coldwell, hath not demeaned herſelf conſiſtent with her ſolemn vows of matrimony to her ſaid huſband:

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the ſaid David Coldwell, of Blount county, be and is hereby divorced from the ſaid Elizabeth; and the legal obligations of the rights of matrimony, celebrated between the ſaid David Coldwell and the ſaid Elizabeth, is hereby declared to be null and void to all intents and purpoſes, any law, uſage, or cuſtom to the contrary notwithſtanding.

Sec. 3. *Be it enacted*, That this act ſhall be in force from and after the paſſing thereof.

CHAP XXXIII.

AN ACT *to releaſe James Norflet from the penalties of a forfeited recognizance.*—(PASSED OCTOBER 20, 1797)

WHEREAS James Norflet entered into recognizance for the appearance of William Howell, at a ſuperior court, heretofore held for the diſtrict of Mero, and the ſaid William Howell having failed to make ſuch appearance, whereby the ſaid James Norflet is likely to be injured, by being compelled to pay the forfeiture of ſaid recognizance. For remedy whereof,

BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the ſaid James Norflet is hereby releaſed, and for ever ſet free from the penalties of ſuch forfeited recognizance aforeſaid, any law, uſage, or cuſtom to the contrary notwithſtanding: *Provided* nevertheleſs, that nothing herein contained, ſhall be ſo conſtrued as to exonerate the ſaid James Norflet from the payment of all coſts and charges which have heretofore accrued in the before recited caſe.

XXXIV.

AN ACT *to confirm the emancipation of a black man named Jack*. (PASSED OCTOBER 2, 1797.)

WHEREAS, at July ſeſſions, one thouſand ſeven hundred and ninety ſeven, John Stone, of Knoxville, in the ſtate of Tenneſſee, did apply to the county court of Knox, for a licence to emancipate, and for ever ſet free, a certain negro man ſlave, named Jack, agreeable to the acts of the general aſſembly of the ſtate of North Carolina, in ſuch caſe made and provided, which licence hath iſſued to the ſaid John Stone: And whereas the ſaid John Stone on the thirty firſt day of Auguſt, 1797, did under the authority of the ſaid licence, emancipate, diſcharge, and for ever ſet free, from all manner of ſervitude and ſlavery whatever, the ſaid negro Jack:

BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the ſaid negro Jack ſhall be, and he is hereby emancipated and for ever ſet free, to all intents and purpoſes whatever, and ſhall in future be known by the name of John Saunders.

CHAP. XXXV.

AN ACT *authoriſing James Guthrey to build a bridge over Lick Creek, on the main road leading from* Bull's Gap, *to the town of* Greeneville, *in the county of* Greene—(PASSED OCTOBER 20, 1797)

Section 1 BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That it ſhall and may be lawful for the ſaid James Guthrey, his heirs, executors, adminiſtrators or aſſigns, to erect and build a good ſubſtantial bridge over Lick Creek at the place aforeſaid, and after building the bridge as aforeſaid, it ſhall and may be lawful for the ſaid James Guthrey, his heirs, executors, adminiſtrators, or aſſigns, to keep a ſufficient gate thereon, and take and receive from all perſons that paſs over the ſame, the following rates, that is to ſay; for every footman, ſix and a fourth cents, for every man and horſe twelve and a half cents, for every horſe and chair twenty-five cents, for every four wheeled riding carriage including horſes drawing the ſame fifty cents, for every cart and horſes twenty five cents, for every waggon and team fifty cents, for every led horſe, or work ox, ſix and a fourth cents, for each head of neat cattle 2 cents, for every head of hogs or ſheep one cent.

Sec. 2. *Be it enacted*, That the ſaid James Guthrey, his heirs, executors, adminiſtrators, or aſſigns, ſhall have the excluſive right and benefit of ſaid bridge, during the term of keeping up ſaid bridge: *Provided*, he keeps the ſame in good repair, and ſhall be anſwerable for all the damages that may be ſuſtained by any perſon croſſing the ſame, if it is made appear the aforeſaid bridge was the cauſe thereof.

Sec. 3. *Be it enacted*, That the ſaid bridge when made, ſhall not be placed ſo as to obſtruct the waggon ford.

Sec. 4. *Be it enacted*, That all perſons having occaſion to attend general or private muſters, or any public election, ſhall not be compelled or required, in going to or returning from the ſame, to pay any toll for their paſſage over ſaid bridge, any law, uſage, or cuſtom to the contrary notwithſtanding.

CHAP. XXXVI.

AN ACT *granting to James Hamilton, his heirs, or aſſigns certain privileges therein contained* — (PASSED OCTOBER 20 1797.)

WHEREAS James Hamilton of Davidſon county, did build a floating mill on Cumberland river, between Naſhville and Heaton's old ſtation, and he having obtained a permit from the court of ſaid county agreeable to law, in that caſe made and provided, and alſo owning the land on the ſouth ſide of ſaid river againſt the iſland in the ſaid river where ſaid mill was built, and he having made known to this general aſſembly his intentions of making great improvement on the plan of ſaid floating mill; for encouragement whereof,

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That from and after the paſſing of this act the ſaid James Hamilton, his heirs and aſſigns, ſhall have and enjoy the excluſive uſe and benefit of all that part of Cumberland river, running on the ſouth ſide of the aforeſaid iſland, between Naſhville and Heaton's old ſtation, for the expreſs purpoſe of keeping up a floating mill or mills on, any law, uſage, or cuſtom, to the contrary notwithſtanding.

Sec. 2 *Be it enacted*, That the county court of Davidſon ſhall have full power and authority, to condemn ſo much of ſaid iſland, as ſhall be ſufficient for a butment for ſaid mill or mills: *Provided* the ſaid Hamilton, his heirs, or aſſigns, ſhall pay unto the proprietor of ſaid iſland, (if any there be) the value of that part of ſaid iſland ſo condemned, to be valued by a jury appointed by ſaid court, any law, uſage, or cuſtom to the contrary notwithſtanding.

CHAP XXXVII

AN ACT *to veſt the property of James M'Cown, deceaſed, in John Richardſon, Jeſſe Richardſon, Robert Richardſon and Sarah Richardſon.*— (PASSED OCTOBER 9, 1797)

WHEREAS the ſaid James M'Cown is dec. and he having been born not within the bonds of matrimony, and dying without any heirs of his body begotten. And whereas the ſaid James M'Cown in his life time, was poſſeſſed of property to a conſiderable value, which property it is juſt and right ſhould be veſted in the ſaid John Richardſon, Jeſſe Richardſon, Robert Richardſon, and Sarah Richardſon, the lawful deſcendants of the mother of the ſaid James M'Cown—therefore,

Sec. 1. *Be it enacted by the General Aſſembly of the State of Tenneſſee,* That all the title, right, and property of, in, and to four hundred acres of land, laying on the waters of Red River, which was veſted in the ſaid Jas. M'Cown, in his lifetime, ſhall be, and is hereby veſted in the ſaid Sarah Richardſon, her heirs and aſſigns for ever; and alſo all the right and intereſt, and property of him the ſaid James M'Cown, in his lifetime, of, in, and to a certain horſe called hildreſs, be, and is hereby veſted in the ſaid Sarah Richardſon, and her aſſigns, and law, uſage, or cuſtom to the contrary notwithſtanding.

Sec 2. *Be it enacted,* That all the right, title, intereſt, claim, and demand whatever of him the ſaid James M'Cown, in his lifetime, of, in and to ſix hundred and forty acres of land, as deſcribed in a bond executed and given by Robert Hays to the ſaid James M'Cown, in his lifetime, together with the right of property of all the wearing apparel of him the ſaid James M'Cown, in his lifetime, ſhall be, and is hereby veſted in the ſaid John Richardſon and his aſſigns; and it ſhall be lawful for the ſaid Robert Hays to convey the ſaid ſix hundred and forty acres of land, as deſcribed in ſaid bond, unto the ſaid John Richardſon, his heirs and aſſigns forever, any law uſage, or cuſtom to the contrary notwithſtanding.

Sec. 3 *Be it enacted* That all the right, title, intereſt, claim, and demand of him the ſaid James M'Cown, in his lifetime, of, in, and to one hundred and ſixty acres of land, as deſcribed in a bond given by John Overton to the ſaid James M'Cown, in his life time, ſhall be, and is hereby veſted in the ſaid Jeſſe Richardſon and his aſſigns, and it ſhall be lawful for the ſaid John Overton to convey the ſame by deed, to him, his heirs and aſſigns accordingly: *Provided nevertheleſs,* That the ſaid two bonds mentioned in the ſecond, and this third ſection of this act, be proved and recorded according to law, any law, uſage, or cuſtom to the contrary notwithſtanding.

Sec. 4 *Be it enacted,* That all the monies due, by bond, bill, note, account, or otherwiſe unto him the ſaid James M'Cown in his life time, ſhall be and paſs over to the ſole uſe and benefit of him the ſaid Robert Richardſon, and when recovered by the adminiſtrator of the goods and chattels, rights and credits of him the ſaid James M'Cown, ſhall be laid out, and diſpoſed of for the uſe and benefit of him the ſaid Robert Richardſon, his heirs and aſſigns, any law, uſage, or cuſtom to the contrary notwithſtanding.

Sec. 5. And that fair and honeſt creditors, may not be barred of recovery of their juſt debts. *Be it enacted,* That as to *bona fide* creditors, the fourth ſection of this act ſhall be, and is hereby declared to be void and of no effect, any thing therein contained to the contrary notwithſtanding. And if that part of the eſtate of the ſaid James M'Cown, in his life time, ſhall be inſufficient to diſcharge the juſt demands of the *bona fide* creditors, then in that caſe, this act, and every thing contained therein, as to ſuch creditors is hereby declared to be void, and of no effect, any thing therein contained to the contrary notwithſtanding.

Sec 6 *Be it enacted,* That this act ſhall be in force from and after the paſſing thereof.

CHAP. XXXVIII.

AN ACT *to reſtore William Francis James M'Kean, John Bean, John Reily and Moſes M'Coy, to their former capacities and abilities as therein mentioned.* (PASSED OCTOBER 20, 1797.)

WHEREAS at October term 1795, at a ſuperior court held at Knoxville, for the diſtrict of Hamilton, William Francis was indicted, tried, convicted, ſentenced, and puniſhed for the crime of horſe ſtealing, and thereby ſuffered, and became liable to pains, penalties and legal diſabilities. And whereas heretofore at a ſuperior court held at Naſhville, for the diſtrict of Mero, James M'Kean was indicted, tried, convicted, ſentenced and puniſhed for the crime of horſe ſtealing, and thereby ſuffered and became liable to pains penalties, and legal diſabilities:

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That henceforth the ſaid William Francis and James M'Kean, and each of them, ſhall be reſtored to their former capacities and legal abilities, in as full and ample a manner, as if they, or either of them had never been convicted of, ſentenced to, or puniſhed for the aforeſaid crimes.

Sec. 2. Be *it enacted*, That nothing in the firſt ſection of this act ſhall extend, or be conſtrued to extend to do away the force of any act relative to horſe ſtealing, ſo far as it makes the ſecond offence felony without the benefit of clergy.

WHEREAS at a court of pleas and quarter ſeſſions, heretofore held in and for the county of Sullivan, John Reily was convicted, and publicly whipped, for the alledged crime of hog marking, and thereby incurred legal diſabilities.

Sec 3. *Be it enacted*, That the ſaid John Reily ſhall, and is hereby declared to be reſtored to all legal abilities and capacities, in as full and ample a manner as if the ſaid conviction had never been made, or puniſhment inflicted.

WHEREAS at a court hertofore held for Waſhington county, John Bean was publicly whipped for the alledged crime of hog ſtealing, and thereby incurred legal diſabilities. And whereas Moſes M'Coy was tried at a court held for the county of Greene on a charge of petit larceny, convicted, and puniſhed, and thereby incurred legal diſabilities:

Sec. 4. *Be it enacted*, That the ſaid John Bean and Moſes M'Coy be, and they are hereby declared to be reſtored to all legal abilities and capacities, in as full and ample a manner as if the ſaid convictions had never been made or puniſhment inflicted, any law, uſage or cuſtom to the contrary notwithſtanding.

CHAP. XXXIX.

AN ACT *for taking an enumeration of the free taxable inhabitants of this ſtate.*—(PASSED OCTOBER 28, 1797.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the juſtices of the peace in each county in this ſtate, who ſhall be appointed after the firſt day of January next, to take liſts of taxable property and polls, as directed by law, ſhall and are hereby required, and it is hereby declared to be the duty of each of the juſtices, to take and make out in writing, an accurate and complete liſt of the number of free taxable inhabitants, who on the firſt day of September in the year of taking ſuch liſts, do live in the diſtrict in which ſuch juſtice of the peace is appointed to take ſuch liſts of taxable property and polls, and it ſhall be the duty of each of the ſaid juſtices to return the liſts of taxable inhabitants ſo taken by him as aforeſaid, ſigned with his name, to the court of pleas and quarter ſeſſions, which ſhall be held in and for the county in which he is a juſtice of the peace, next before the laſt day of December in ſaid year.

Sec. 2. *Be it enacted*, That it ſhall be the duty of the clerk of each county court of pleas and quarter ſeſſions, and he is hereby required to take the aggregate number of the taxable inhabitants in the county in which he is clerk, returned as by this act directed, and ſhall make out two accurate copies thereof, and the preſiding juſtice of the court, together with the ſaid clerk, ſhall ſet their names thereto, one of which copies after being entered on the records of the court ſhall be preſerved in the office of the clerk, and it ſhall be the duty of the preſiding juſtice of the court to tranſmit, or cauſe to be tranſmitted the other copy to the office of the ſecretary of this ſtate, on or before the firſt day of February, 1799.

Sec. 3. *Be it enacted*, That the ſecretary of this ſtate ſhall and is hereby required to receive all ſuch liſts to him tranſmitted, as by this act directed, and ſhall carefully preſerve the ſame, ſo that he may have them ready to be delivered to the general aſſembly at the ſeſſions next hereafter.

Sec. 4. *Be it enacted*. That if any juſtice of the peace appointed to take a liſt of the taxable inhabitants, as by this act directed, ſhall die or remove out of the county before the day and time by this act limited for the returns of ſuch liſts, then, in that caſe, any three juſtices of the court of pleas and quarter ſeſſions, of the county in which ſuch juſtice did live, ſhall appoint another in his place; and it ſhall be the duty of the juſtice of the peace ſo appointed, to return a liſt as preſcribed by this act.

Sec. 5. *Be it enacted*. That each juſtice of the peace ſhall be allowed one dollar and fifty cents for each hundred taxable inhabitants enumerated as directed by this act, which ſums ſhall be appropriated for, at the next ſeſſion of the general aſſembly.

Sec. 6. *Be it enacted*, That it ſhall be the duty of the magiſtrate, when taking the enumeration of any perſon or perſons to interrogate him or them, whether he or they have been enumerated heretofore under this act, the object of which is, that no citizen ſhall be enumerated more than once.

Sec. 7. *Be it enacted*, That if any juſtice of the peace or clerk ſhall neglect, fail or refuſe to perform the duties enjoined by this act, ſuch neglect, failure or refuſal, on due proof thereof, ſhall be deemed a miſdemeanor in office, unleſs ſufficient cauſe be ſhewn.

Sec. 8. *Be it enacted*, That this act ſhall be in force from and after the firſt day of Jannuary next.

C H A P. XL.

AN ACT *to eſtabliſh a public inſpection of tobacco in the county of Davidſon, in or near the town of Wayneſborough, on the north ſide of Cumberland river, and for other purpoſes.*—(PASSED OCTOBER 20, 1797.)

WHEREAS the eſtabliſhing a public inſpection of tobacco, in or near the town of Wayneſborough, on the north ſide of Cumberland river, will encourage commerce, promote induſtry, and be an advantage to thoſe citizens of ſaid county on the north ſide of ſaid river ;

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the juſtices of the ſaid county of Davidſon ſhall, and are hereby empowered and directed to cauſe to be built and erected, a warehouſe, as ſoon as the nature of the caſe may require it, and other conveniencies fit and neceſſary for the reception, inſpection, and ſafe keeping of tobacco, in or near the town of Waynesborough, on the north ſide of Cumberland river ; and the ſame, when ſo built and erected, ſhall, and is hereby declared to be a public warehouſe for the reception of and inſpection of tobacco

Sec. 2. *Be it enacted*, That the juſtices of the ſaid county of Davidſon, ſhall from time to time, appoint inſpectors to attend the ſaid inſpection, and aſcertain their ſalaries, and order and direct how the ſaid inſpectors ſhall give their attendance at the ſaid ware houſe, which ſaid inſpectors ſhall be under the ſame regulations, rules, and reſtrictions, and entitled to the ſame emoluments as are by law appointed for inſpectors of tobacco in this ſtate.

And whereas an inſpection of tobacco was heretofore eſtabliſhed on the ſouth ſide of Cumberland river, in the town of Naſhville

Sec. 3. *Be it enacted*, That the juſtices of the county court of Davidſon are hereby authorized and empowered to lay a tax, nually, on the taxable property and polls in ſaid county, for the purpoſe of erecting and building a warehouſe, and other neceſſaries, for the reception, inſpection, and ſafe keeping of tobacco, in or near the town of Waynesborough : Alſo for erecting and building a warehouſe and other neceſſaries for the reception, inſpection, and ſafe keeping of tobacco in the town of Naſhville, each houſe to be built on the ſame plan, and at the ſame price, any law, uſage, or cuſtom to the contrary notwithſtanding.

Sec 4 *Be it enacted*, That the juſtices of the ſaid court of Davidſon, are hereby authorized and empowered to lay a tax, annually, on the taxable property and polls in ſaid county, for the purpoſe of erecting and building the aforeſaid warehouſes, and other neceſſaries, for the reception, inſpection, and ſafe keeping of tobacco, any law, uſage, or cuſtom to the contrary notwithſtanding.

C H A P. LXI.

AN ACT *to provide for the ſafe keeping of the perſons and property of idiots and lunatics, and to repeal the third ſection of an act, entitled* " An act to prevent unjuſt appeals, and to empower the county courts in this ſtate, to provide for the ſafe keeping of the eſtates of idiots and lunatics," *paſſed at Hillſborough*, 1784 —(PASSED OCT. 25, 1797.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That it ſhall be the duty of the ſeveral county courts within this ſtate, upon information made, that any idiot or lunatic does reſide within the juriſdiction thereof, to order the ſheriff of ſaid county to ſummon a jury, conſiſting of twelve freeholders, to aſcertain by inquiſition ſuch idiotcy or lunacy, and make return thereof to the next ſucceeding court ; and alſo ſuch lands and chattels (if any there be,) as the ſaid idiot or lunatic, ſo found as aforeſaid, ſhall hold or poſſeſs, at the time of taking ſuch inquiſition, and on return thereof, ſuch court ſhall appoint him, her or them a guardian or guardians, firſt taking bond with approved ſecurity for the faithful adminiſtration of the truſt repoſed in them; and the guardian or guardians thus appointed, ſhall have the ſame powers, and be under the ſame rules and reſtrictions, as guardians appointed for orphans, and continue to exerciſe his appointment during the pleaſure of the court.

Sec. 2. *Be it enacted,* That where any idiot or lunatic ſhall be found not to hold or poſſeſs any lands or chattels not ſufficient for his, her, or their maintenance, then and in that caſe, the court ſhall proceed to let out ſuch idiot or lunatic for the term of one year to the loweſt bidder, in the ſame manner as in caſes of other poor perſons: *Provided always,* That where the jury from their own knowledge, or information of others, diſcover any apparent danger of violence being offered to the life or property of any perſon, ſuch jury ſhall report accordingly, and the court ſhall be bound without delay, to let out ſuch idiot or lunatic, for the term of one year, to the loweſt bidder, taking bond and ſecurity for the ſafe keeping and providing with ſufficient diet, waſhing, and apparel, for the term aforeſaid; and in caſe any idiot or lunatic, in the receſs of court, ſhould offer violence as aforeſaid, it ſhall be lawful for any three juſtices of the peace, upon due proof thereof being made, to commit ſuch lunatic or idiot, to the jail of the county in which the offence was committed, where he, ſhe, or they ſhall remain, until the court take ſuch order as appears ſtrictly conſiſtent with the law, the happineſs and ſecurity of the community: *Provided alſo,* That the party ſhall be liable to bail as in other caſes.

Sec. 3. *Be it enacted,* That the third ſection of an act, entitled, "An act to prevent unjuſt appeals, and empower the county courts in this ſtate, to provide for the ſafe keeping of the eſtates of idiots or lunatics," paſſed at Hillſborough, 1784, be, and the ſame is hereby repealed.

CHAP. XLII.

An ACT *to continue an act entitled,* "An act, for the relief of ſuch perſons as have ſuffered, or may ſuffer, by their deeds, grants, or meſne conveyances not being proved and regiſtered within the time heretoforeappointed by law.—(PASSED OCTOBER 27, 1797)

BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That an act, entitled, "An act for the relief of ſuch perſons as have ſuffered or may ſuffer, by their grants, deeds, and meſne conveyances not being proved and regiſtered within the time heretofore appointed by law," paſſed at an aſſembly begun and held at Knoxville, on the twenty fifth day of Auguſt, 1794, be, and the ſame is hereby continued in full force and effect until the end of the next ſtated ſeſſion of the general aſſembly of this ſtate.

CHAP XLIII.

An ACT *preſcribing what ſhall be the legal probate of deeds and conveyances of lands and mortgages, where ſuch probate ſhall be made without the limits of this ſtate, and within the limits of the United States, and for other purpoſes.*—(PASSED OCTOBER 28, 1797)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the following deſcribed mode of probate of deeds and conveyances of land, and mortgages for land, made without the limits of this ſtate, and within the limits of the United States, ſhall be the only legal mode of probate and the only mode upon which ſuch inſtrument ſhall be admitted to regiſtration in this ſtate, namely, the ſame ſhall be either acknowledged by the perſon or perſons executing the ſame or the execution thereof proved by one or more of the ſubſcribing witneſſes, in ſome court of record, in ſome one of the United States, the evidence of which ſhall be the atteſtation of the clerk of the court in which ſuch acknowledgment or proof was made, under his ſeal of office, and the atteſtation of the preſiding judge, or juſtice of the ſaid court, except where the party holding ſuch deed or mortgages ſhall have the ſame proved or acknowledged, within the limits of this ſtate, agreeable to the mode heretofore in force and uſe in this ſtate.

Sec. 2. *Be it enacted*, That no deed or conveyance of land, after being thus proved, ſhall be admitted to regiſtration, if not done within the time preſcribed by an act, entitled, "An act to continue an act for the relief of ſuch perſons as have ſuffered or may ſuffer, by their deeds, grants, and meſne conveyances not being proved and regiſtered within the time heretofore appointed by law," paſſed at this ſeſſion of the general aſſembly, and no mortgage for land ſhall be admitted to regiſtration after one year from the execution thereof; & if not regiſtered within that period in the county or counties, in which the land does lay, at the time of ſuch regiſtation: *Provided*, That if the land does not lay within the limits of any county or counties, as aforeſaid, then in that caſe, in the office of any county within this ſtate, ſhall be void as to the creditor or creditors of the mortgagor, and the lands mortgaged and the mortgage not regiſtered, as above required, ſhall be liable to the debts and demands againſt the mortgagor, in like manner as if ſuch mortgage had never been made.

Sec. 3. *Be it enacted*, That any grantee or other perſon claiming by deed of conveyance, founded upon a grant, hath, by virtue thereof, obtained peaceable poſſeſſion of any tract of land, and ſhall, at any time thereafter, be diſpoſſeſſed by due courſe of law, or otherwiſe put out of poſſeſſion, without his, her, or their conſent, firſt had and obtained, that then, in that caſe, the perſon ſo diſpoſſeſſed, ſhall be entitled to recover, at common law, from the perſon to whoſe uſe the diſpoſſeſſion was ſo made, the value of the improvements which he, ſhe, or they may have made on the ſaid land: *Provided* he, ſhe or they do pay a reaſonable rent for the ſaid improvements, to be deducted out of the ſame.

And WHEREAS doubts have ariſen with reſpect to the true conſtruction of the preſent exiſting laws, reſpecting ſeven years peaceable poſſeſſion,

Sec. 4 *Be it enacted*, That in all caſes, where any perſon or perſons ſhall have had ſeven years peaceable poſſeſſion of any land, by virtue of a grant or deed of conveyance founded upon a grant, and no legal claim by ſuit, in law, by ſuch ſet up to ſaid land, within the above ſaid term, that then in that caſe, the perſon or perſons ſo holding poſſeſſion as aforeſaid ſhall be entitled to hold poſſeſſion in preference to all other claimants, ſuch quantity of land as ſhall be ſpecified in his, her, or their ſaid grant, deed of conveyance, foundedon a grant, as aforeſaid, and any perſon or perſons, who ſhall neglect for the ſaid term of ſeven years, from the time of ſuch peaceable poſſeſſion having been obtained, to avail themſelves of the benefit of any title or legal claim which he, ſhe, or they have to any lands within this ſtate, ſhall, and is hereby declared to be forever barred: *Provided*, nothing contained in this act ſhall, in any manner, tend to affect or injure the rights of minors, feme coverts, idiots or lunatics, any law uſage, or cuſtom to the contrary notwithſtanding.

Sec. 5 *Be it enacted*, That the juſtices of the county court of Davidſon, at the time of laying the county tax agreeable to law, are hereby authoriſed to lay an additional county tax, not exceeding ſix and one fourth cents on each hundred acres of land, not exceeding twelve and a half cents on each town lot not exceding ſix and one fourth cents on each free poll, not exceeding twelve and a half cents on each black poll, and not exceeding five dollars on each billiard table within ſaid county, for the expreſs purpoſe of repairing the court-houſe in the town of Naſhville, which tax ſo laid, ſhall be actually paid in ſpecie, and put into the hands of the commiſſioners of ſaid town, by the ſheriff, when collected, for the purpoſe aforeſaid, which commiſſioners are hereby authorized to employ ſome perſon to repair the court houſe aforeſaid.

CHAP XLIV.

An ACT *making compenſation to the members, clerks and door keepers of the general aſſembly, and for defraying other neceſſary contingencies.*— (PASSED OCTOBER 28 1797.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That it ſhall be lawful for each member to receive the ſum of one dollar and ſeventy-five cents for each day he ſhall have attended the general aſſembly, and the ſame for every twenty-five miles he ſhall travel in going to and returning from the ſame.

Sec. 2 *Be it enacted*, That each firſt clerk of the general aſſembly ſhall be allowed the ſum of two dollars and fifty cents per day, for their ſervices; that two dollars and fifty centy cents per day be allowed each aſſiſtent clerk, and that the further allowance be made for contingent expences, namely, to Tho's H. Williams, thirty dollars, to Jeſſe Wharton, thirty dollars, to George Roulſtone, thirty dollars, to Nathaniel B. Buckingham thirty dollars.

Sec. 3. *Be it enacted*, That each door keeper ſhall be allowed, for his ſervices, the ſum of one dollar and ſeventy five cents for each day he has attended on the general aſſembly.

Sec. 4. *Be it enacted*, That Gen. James Robertſon be allowed eight dollars, it being for the ſame amount of caſh advanced by him for purchaſing tables and ſeats for the houſe of repreſentatives.

Sec. 5. *Be it enacted*, That the ſum of one hundred and ſeventy dollars ſhall be allowed to the ſecretary of this ſtate for contingent charges for ſtationary up to the preſent general aſſembly.

Sec 6. *Be it enacted*, That John M'Clellan, Patrick Sharkey, and J. Gilliſpie, commiſſioners, who were appointed by this general aſſembly to trace the boundary line lately deſignated by the commiſſioners of the United States, ſhall be allowed twelve dollars each

Sec. 7 *Be it enacted*, That the ſum of three hundred dollars, in advance, ſhall be allowed to George Roulſtone, for printing the journals and other buſineſs of this general aſſembly

Sec 8. *Be it enacted*, That the ſum of ſeven dollars and fifty cents be allowed to William Baldie, for ſeats and tables furniſhed the ſenate.

Sec. 9. *Be it enacted*, That John Rhea, door keeper to the houſe of repreſentatives, be allowed the ſum of one dollar and fifty cents for water veſſels furniſhed the houſe of repreſentatives.

Sec. 10. *Be it enacted*, That the ſpeaker of each houſe of the genral aſſembly ſhall ſign the ſeparate drafts of appropriations referred to in this act, and be atteſted by the clerks thereof.

Sec. 11. *Be it enacted,* That George Roulſtone be allowed the ſum of fifteen dollars for the uſe of two rooms, for the accomodation of the general aſſembly. And the ſum of fourteen dollars for printing three hundred and thirty copies of the report of the commiſſioners, M'Clellan, Sharkey, and Gilleſpie, together with the reſolutions accompanying the ſame.

Sec. 12. *Be it enacted,* That the ſum of three hundred and forty-five dollars, and thirty cents and one third of a cent, ſhall be allowed and paid to George Roulſtone for money due to him on ſettlement for printing the journals and acts heretofore paſſed by the general aſſembly, and other printing for the uſe of the ſtate, prior to this ſeſſion of the general aſſembly, which ſum is in full.

Sec. 13. *Be it enacted,* That one hundred dollars and no more, be appropriated for the purpoſe of defraying the expenditures of the perſon to be appointed by the governor to go into the Cherokee nation: *Provided,* the perſon brings proper vouchers for his expenditures, and lay them before the governor, and on the governor's warrant on either of the treaſurers ſhall pay the ſame.

XLV.

AN ACT *directing the mode of ſuing and proſecuting for certain offences therein deſcribed.*—PASSED OCTOBER 28, 1797.

WHEREAS it hath been found by experience, that the ſeveral counties in this ſtate have been put to great and unneceſſary expence in paying the attendance of jurors at the ſuperior courts, on account of the many actions and indictments, for aſſault, battery, wounding, and impriſonment,

Be it enacted by the General Aſſembly of the State of Tenneſſee, That from and after the paſſing of this act all actions of ſlander, actions, indictments or preſentments, for aſſault, battery, or impriſonment, ſhall be commenced in the county courts, any law, uſage, or cuſtom to the contrary notwithſtanding: *Provided nevertheleſs,* that nothing in this act contained ſhall be ſo conſtrued as to bar or prevent the ſolicitor or attorney for the county, plaintiff or defendant in any caſe, from the right of an appeal to the ſuperior court of the diſtrict.

CHAP. XLVI.

AN ACT *to compel the owners of ſalt petre manufactories to encloſe their works, ſo as to prevent horſes and cattle from having acceſs thereunto.*—(PASSED OCTOBER 27, 1797.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That from and after the firſt day of December next, if any perſon or perſons ſhall carry on the manufacturing of ſalt petre, without firſt having their works lawfully encloſed, ſuch perſons ſo offending, ſhall upon conviction before any juriſdiction having cognizance thereof, forfeit and pay one hundred dollars, one half to the uſe of the county wherein ſuch offence was committed, and the other half to the perſon or perſons ſuing for the ſame.

Sec. 2. *Be it enacted,* That if the owners of ſalt petre works, ſhould fail to comply with the requiſitions of this act, and the cattle and horſes belonging to any other perſon or perſons ſhould thereby be injured, ſuch owner or owners as aforeſaid, ſhall be further liable to an action on the caſe for damages, at the ſuit of the perſon or perſons ſuſtaining ſuch injury

CHAP. XVII.

AN ACT *for dividing the Davidſon regiment of militia, into two ſeparate and diſtinct regiments.*—(PASSED OCTOBER 9 1797)

WHEREAS the great extent of ſaid county, and the Cumberland river running through the ſame, renders it inconvenient for thoſe citizens on the north ſide of ſaid river to attend general muſters and elections in the town of Naſhville. For remedy whereof.

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That from and after the firſt day of November next, all that part of the militia of ſaid county reſiding on the north ſide of Cumberland river, ſhall be a ſeparate and diſtinct regiment, known by the name of the Davidſon ſecond regiment of militia.

Sec. 2. *Be it enacted* That the ſaid regiment from and after the paſſing of this act ſhall have, exerciſe and enjoy all the powers and authorities that any other ſeparate and diſtinct regiment in this ſtate does exerciſe and enjoy, any law to the contrary notwithſtanding.

Sec 3. *Be it enacted*, That the place for holding general muſters, for ſaid regiment ſhall be in the town of Waynſborough, and for the further completing of ſaid regiment, the militia above recited ſhall meet on the third Thurſday and the ſucceeding day of February next, at the dwelling houſe of Capt Ezekiel Able, for the purpoſe of electing the field officers of the ſaid ſecond regiment of militia, agreeable to the conſtitution and laws of this ſtate

Sec. 4. *Be it enacted*, That it ſhall and may be lawful for the coroner or ſheriff of Davidſon county, or ſaid ſheriff's proper deputy, and he or they are hereby authorized and required to open an election, in the town of Wayneſborough, for a governor, repreſentative or repreſentatives to the Congreſs of the United States, and members of the general aſſembly of this ſtate, on the days appointed by the conſtitution and laws of this ſtate, and ſubject to the rules and reſtrictions therein preſcribed, and receive the ballots of the perſons entitled to vote in the ſaid county, living on the north ſide of Cumberland river, under the rules and reſtrictions for holding elections in this ſtate, and the ballots ſo taken ſhall be ſealed up and tranſmitted to the court houſe of ſaid county, on the ſucceeding day of ſaid election under the directions of the coroner or ſheriff, or ſaid ſheriff's deputy; which ballots ſo taken, ſhall and are hereby declared to be part of the election the ſaid county, any thing to the contrary notwithſtanding.

Sec. 5 *Be it enacted*, That no citizen living on the north ſide of Cumberland river, in the county aforeſaid, ſhall be entitled to vote at the court houſe of ſaid county, under the penalty of ten dollars, nor any citizen reſiding on the ſouth ſide of ſaid river, in ſaid county, ſhall be entitled to vote at any place in ſaid county, except at the court houſe, under the like penalty.

JAMES STUART, S. H. R.
JAMES WHITE,
Speaker of the Senate.

A Copy. Teſt.
WM. MACLIN, Sec'ry.

ACTS

PASSED AT THE SECOND SESSION OF THE SECOND GENERAL ASSEMBLY OF THE STATE OF TENNESSEE;

BEGUN AND HELD AT KNOXVILLE, ON MONDAY, THE
THIRD DAY OF DECEMBER ONE THOUSAND
SEVEN HUNDRED AND NINETY EIGHT.

CHAPTER I.

An ACT *for the better eſtabliſhment and regulation of the militia in this ſtate*—(PASSED DECEMBER 19 1798.)

Section 1 BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That an act entitled, "An act, eſtabliſhing a militia in the ſtate of North Carolina, is hereby repealed and made void, ſo far as reſpects this ſtate.

Sec 2 *Be it enacted*, That all free men and indented ſervants, from the age of eighteen to forty five, ſhall compoſe the militia thereof, judges of the ſuperior courts of law and equity, ſecretary of ſtate, treaſurers, attornies general, miniſters of the goſpel of every denomination, ferrymen, juſtices of the peace, and all continental officers who have ſerved three years with reputation, or during the war, poſt officers who have the care and conveyance of the mail of the United States, ſhall be exempt from militia duty, except in caſe of eminent danger of inſurrection or invaſion.

Sec. 3 Be *it enacted*, That the ſaid militia ſhall be organized in the following manner, viz. The militia of each diſtrict ſhall compoſe a brigade, the infantry of each county ſhall form a regiment, except where it is otherwiſe provided for by law. And alſo one company of cavalry to be raiſed by voluntary enliſtment, and under the following rules and reſtrictions, *provided*, that no perſon ſhall be enrolled in any troop of horſe, until approved of by the field officer of the cavalry, but ſhall until then do his duty in the infantry.

Sec 4. Be *it enacted*, That each company of infantry ſhall conſiſt of one captain, one lieutenant, one enſign, three ſerjeants, two corporals, one drummer, one fifer, and not leſs than forty nor more than eighty privates, all of whom ſhall reſide in the diſtrict. And each troop of horſe ſhall conſiſt of one captain, one lieutenant, one cornet, three ſerjeants, three corporals, one trumpeter, and not leſs than thirty two nor more than forty privates; and the cavalry in each diſtrict ſhall compoſe one regiment.

Sec. 5 Be *it enacted*, That each brigade ſhall be commanded by a brigadier general; each regiment of infantry by a lieutenant colonel commandant and two majors; and each regiment of cavalry, by the lieut. col. commandant and two majors; the brigadier general ſhall appoint a brigade major to each brigade; the commanding officer of each regiment ſhall appoint an adjutant; and each captain ſhall appoint his drummers, fifers and trumpeters.

Sec 6 Be *it enacted*, That it ſhall be the duty of commanding officers of companies to proceed forthwith to divide their companies into diviſions by ballot, from one to ten, for the purpoſe of a regular rotine of duty when called into actual ſervice, and to return a roll of each diviſion, and its number in rotation within thirty days thereafter, to the commanding officer of his regiment, who ſhall cauſe the ſame to be recorded by the judge advocate; and every militia man moving out of the bounds of one company into another, ſhall apply to the commanding officer of the company to which he did belong, who ſhall give him a certificate certifying the claſs wherein he was arranged, and whether he had ſerved his tour of duty or not, and alſo the time and date of ſuch ſervice; which certificate the ſaid militia man ſhall produce to the captain or commanding officer of the company into whoſe bounds he ſhall ſo have removed, within ten days after his ſettlement, and ſuch officer is hereby required to enroll him in the numerical claſs ſpecified therein; and every militia man ſo removing and failing to produce ſuch certificate ſhall be arranged and enrolled in the claſs deſtined to perform the next tour of duty; and if any captain or commanding officer of a company ſhall refuſe to grant ſuch certificate upon application made to him for that purpoſe, he ſhall for ſuch refuſal forfeit and pay a ſum not exceeding ten dollars, to be recovered and applied as other fines impoſed by this act.

Sec. 7. *Be it enacted*, That the commanding officer of each and every regiment ſhall hold two regimental muſters of their reſpective regiments in each and every year at their reſpective court houſes, except where it may be otherwiſe provided for by law, on the following days, viz. on the laſt Thurſday in May and November; and every captain or commanding officer of a company ſhall once in every three months, at ſuch place as he ſhall judge moſt convenient, on the following days, viz. on the laſt Saturday in March, June, September, and December, muſter, train, and exerciſe his company, at which muſters, as well regimental as company muſters, the officers and privates ſhall appear armed in the following manner, viz. each commiſſioned officer of the infantry, with ſide arms or eſpontoon, and each private, and non commiſſioned officer, ſhall be provided either with a muſket and cartouch box, with nine charges of powder and ball, made into cartridge, or a rifle, powder horn, and ſhot pouch, with and equal quantity of ammunition ſuitable thereto, in good condition, one ſpare flint, one picker and worm. That every officer and private belonging to each troop of horſe, ſhall appear at ſuch muſter, with a ſtrong ſerviceable horſe at leaſt fourteen hands high, with a good ſaddle, bridle, holſters, and one piſtol at leaſt, an horſeman's ſword and cap, a pair of ſhoe boots and ſpurs, with a cartouch box, and cartridges in good order, and dreſſed in the uniform of the regiment to which he belongs.

Sec 8. *Be it enacted*, That every officer and private ſhall appear at their reſpective muſter fields, by eleven o'clock in the forenoon, on the day appointed, as well for regimental as company muſters, and the better to underſtand the duties of officers and ſoldiers at ſuch muſters, it is hereby declared, that the adjutant of each regiment, when the different companies are aſſembled, ſhall lead off the ſame by files, into one regimental line, after which the commanding officer of each company ſhall cauſe his roll to be called, examine every perſon belonging thereto, and note down all delinquencies accruing therein, as well thoſe not attending, as thoſe attending and not armed as by this act directed, and make report thereof to the regimental court martial; the Col, ſhall then command the adjutant to proceed to train and diſcipline the regiment agreeably to Steuben's military guide.

Sec 9 *Be it enacted,* That the Col. or commanding officer of each regiment of cavalry ſhall hold one muſter, to be held of their reſpective regiments in each and every year at their diſtrict court houſe, on the third day of the fall ſeſſion of the ſuperior courts, under the ſame rules regulations and reſtrictions, as are obſerved at the regimental muſters of the infantry. And the officers compoſing ſaid regiment, ſhall hold courts martial agreeably to the directions of this act for holding regimental courts martial in the ſeveral counties; and in order to explain the duties of cavalry in the reſpective counties at regimental muſters which they ſhall attend, each company of cavalry ſhall enjoy equal privileges, and ſuffer ſimilar penalties to thoſe in the infantry in all reſpects whatever, and it ſhall further be the duty of the Col. or commanding officer of each regiment of cavalry, to make a fair ſtatement of the number of men and arms in his regiment, and return the ſame to the brigadier general of his diſtrict, on or before the firſt day of July annually, who ſhall return the ſame to the major general, whoſe duty it ſhall be to return the ſame to the governor.

Sec. 10. *Be it enacted,* That the commanding officer of each company, as well cavalry as infantry, when met for the purpoſe of training their companies, ſhall cauſe their roll to be called, and note down all delinquencies, train and diſcipline his men, in the ſame manner as at regimental muſters The captain and his ſubalterns ſhall have power to hold courts martial when the ſame may be found neceſſary, to hear all complaints, and determine according to law, and the nature of the caſe.

Sec. 11. *Be it enacted,* That if any officer ſhall fail to appear at ſuch muſter as aforeſaid, or neglect to appear properly armed, ſuch officer ſhall on conviction before a court martial, forfeit and pay, if a lieutenant col. commandant or major, a ſum not exceeding ten dollars, if a captain, lieutenant, enſign, cornet or adjutant, a ſum not exceeding five dollars, unleſs he or they ſhall render to the court, ſuch reaſons as they ſhall judge ſufficient, and every non commiſſioned officer and private, who ſhall fail to appear at ſuch muſter or appearing not armed and provided as directed by this act, ſhall, for every ſuch neglect, forfeit and pay, if at a general muſter, a ſum not exceeding two dollars, if at a company muſter, a ſum not exceeding one dollar: *provided always,* that every delinquent ſhall be allowed until the next regimental or company court martial, as the caſe may be, to render his or their reaſons for ſuch delinquency; and if upon trial, thoſe reaſons ſhould be deemed inſufficient, the court ſhall then proceed to impoſe ſuch fine as they may judge proper within the limits aforeſaid

Sec. 12 *Be it enacted,* That it ſhall be the duty of each officer of the infantry, commanding a company, to make out a fair ſtatement of the ſtrength and condition of his company, and return the ſame to the commanding officer of the regiment to which he belongs, on the laſt Thurſday of May annually; and the commanding officer of each regiment ſhall make out a regular ſtatement of the ſtrength and condition of his regiment, and return the ſame to the brigadier general of the brigade to which he belongs, on or before the firſt day of July annually; and each brigadier general ſhall make out a regular ſtatement of the ſtrength and condition of his brigade, and return the ſame to the major general on or before the firſt day of Auguſt annually; and the major general ſhall in like manner, make out a regular ſtatement of the ſtrength and condition of the different brigades under his command, and return the ſame to the governor, on or before the firſt day of September annually; and it ſhall be the duty of the governor, when requeſted, to lay the ſame before the general aſſembly.

Sec. 13 *Be it enacted* That the day ſucceeding a regimental muſter, a court martial ſhall be held, to conſiſt of at leaſt nine members, the eldeſt of whom ſhall be preſident, and be of the grade of field officer. The court ſhall be warned to that duty by the adjutant of that regiment; and the ſaid court when convened, ſhall have power to enquire into the age and abilities of all perſons brought before them, and exempt ſuch as may be judged incapable of ſervice, and alſo all neglects or omiſſions, as well by officers as by privates, to hear and determine all appeals which ſhall be made by non commiſſioned officers or privates, who may think themſelves aggrieved by any ſentence or decree of their company court martial, and to order and diſpoſe of all fines and forfeitures ariſing under this act, unleſs otherwiſe diſburſed by law.

Sec. 14. *Be it enacted*, That all fines and forfeitures impoſed by virtue of this act, ſhall be collected by the ſheriff of the county in which ſuch fines have been aſſeſſed, and paid into the hand of the col. or commanding officer of ſaid county, under the following rules and reſtrictions. The col. for that purpoſe, ſhall enter into bond with approved ſecurity, in the ſum of one thouſand dollars, payable to the brigadier general, which bond ſhall be lodged in the hands of the judge advocate for the uſe of the regiment, conditioned for the receiving, ſafe keeping, and diſburſing the ſame, and ſhall for all the neceſſary ſervices thereon, be allowed the ſum of ſix dollars, for each and every hundred dollars ſo received and diſburſed, and ſo in proportion for a greater or leſs ſum, firſt retaining his fees of office, provided, that the ſheriff ſhall not at any time collect any fines as aforeſaid, unleſs there be firſt put into his hands, an execution to the following effect, viz. State of Tenneſſee, to the ſheriff of county. You are hereby commanded, that of the goods and chattels of you cauſe to be made the ſum of dollars, which ſum the ſaid was fined in (at a regiment or company court martial as the caſe may be) on the day of in the year of which ſum you are to render to the col. of ſaid county, within thirty days after the receipt hererof. Given under my hand, this day and date above written.

Colonel Commandant.

Atteſt, Judge Advocate.

And it ſhall be the duty of the ſheriff upon the receipt of ſuch execution, to proceed without delay to the collection of the ſums therein ſpecified, and ſuch fees for his ſervices therewith as directed by law in other caſes, and to return all ſuch executions to the regimental court martial next enſuing the day of iſſuing the ſame, and to render the monies thereon collected as directed by ſuch executions; the ſaid Col. is hereby empowered and required to continue ſuch executions until ſatisfied, returnable as before mentioned, and it ſhall be the duty of the judge advocate, to enter on the minutes of the court martial the return of the ſheriff on each and every execution, and the court martial of each and every regiment, ſhall order the judge advocate (whoſe duty it ſhall be,) to advertiſe annually at the ſpring court martial, the amount of all monies ariſing by fines, agreeable to this act, in the hands of the colonel or commanding officer of each regiment, or in what manner the ſame is diſburſed.

Sec. 15. *Be it enacted*, That it ſhall be the duty of the col. to appropriate the monies thus paid him by the ſheriff, in the firſt place to buying drums, fifes and colours for the uſe of the regiment and ſecondly, to buying arms, and other neceſſary implements of war.

Sec. 16. *Be it enacted*. That when either the major general, brigadier gen or brigade major, ſhall be charged with mal adminiſtration, or neglect of duty in office, in the major general it ſhall be lawful for any militia officer not under the grade of field officer, to exhibit to the governor for the time being, a fair ſtatement of the charge, and the facts intended to eſtabliſh the ſame, who is hereby authoriſed to order a general court martial, to conſiſt of at leaſt nine members, none to be under the grade of field officer, who, when convened, ſhall take and ſubſcribe the oaths hereinafter directed for regimental courts martial, the ſaid court thus ſworn, ſhall have power to enquire into the nature of the offence, and if it conſtitute a miſdemeanor in office, he ſhall be removed from the ſame; if a neglect of duty, he ſhall forfeit and pay a ſum not exceeding twenty dollars, to be recovered and applied as in ſimilar caſes. *Provided alſo*, that the governor be directed to furniſh the ſaid major general with a copy of his charge, as early as practicable, and the brigadier general ſhall be bound to give notice to the ſaid maj general, ſetting forth the time and place for trial and if a brigadier general or brigade major, ſhall be guilty of either of the aforeſaid offences, the charge ſhall be exhibited to the major general, whoſe duty it ſhall be to iſſue his orders to the ſenior col commandant in the diſtrict in which the perſon charged does reſide, by virtue of which order, ſaid col. commandant is hereby directed to hold a court martial and proceed in the ſame manner as preſcribed for the trial of major general: *Provided alſo*, That the major general be directed to furniſh the brigadier general or brigade maj. as the caſe may be, with a copy of the charge exhibited againſt him, and the officer ordering the court martial ſhall be bound to notify him of the time and place appointed for trial.

Sec. 17. *Be it enacted*, That each regimental court martial ſhall by ballot, elect a ſuitable perſon as judge advocate, whoſe appointment ſhall continue during good behaviour; his duty ſhall be to provide a book in which he ſhall ſtate from time to time the proceedings of ſaid court, and make all other neceſſary entries for the regiment, and as a compenſation for his ſervice, ſhall be exempt from performing any tour of duty, unleſs when the regiment ſhall be called into actual ſervice, and likewiſe one dollar per day, to be paid out of the fines ariſing by virtue of this act, when attending the courts martial: *Provided alſo*, that in caſe of death, reſignation or removal out of his county or office, the journals and proceedings ſhall be kept by the colonel or commanding officer, until a judge advocate be appointed in the room and ſtead of him ſo dead, refuſing to act or removing as aforeſaid.

Sec. 18. *Be it enacted*, That each judge advocate, previous to his entering into the duties of his appointment, ſhall take an oath to ſupport the conſtitution of this ſtate, and alſo the following oath, viz. I, A. B.

do ſolemnly ſwear, (or affirm as the caſe may be) that I will well and truly perform the duties of judge advocate of this court according to law and the beſt of my ſkill and abilities. *So help me God.* The judge advocate thus ſworn, ſhall adminiſter the following oath to the officers preſent: You, and each of you do ſwear, (or affirm, as the caſe may be) well and truly to enquire into all delinquencies which appear on the return to be laid before you, and will aſſeſs the fines thereon as ſhall ſeem juſt, without favor, affection, partiality or prejudice; and that you will not diſcloſe or diſcover the vote or opinion of any particular member of ſaid court, unleſs required to give evidence thereof in a court of juſtice, in a due courſe of law. *So help you God.* No variation to be made in the form of this oath, except as circumſtances ariſing from different offences may require.

Sec. 19 *Be it enacted,* That if any commiſſioned officer belonging to ſaid regiment ſhall be charged with unmilitary or ungentlemanly conduct ſuch court ſhall have power, on conviction thereof, to caſhier the perſon ſo charged and convicted, from office; and if any officer be guilty of diſobedience to his ſuperior officer when on duty, he ſhall be arreſted and tried as herein directed; and if the ſentence ſhall be to impoſe a a fine, the ſame ſhall not exceed twenty dollars; and ſhould any member of any court be guilty of any conduct unbecoming the character of an officer, he ſhall for the firſt offence, be reprimanded by the preſident, and for the ſecond and all others be fined in a ſum not exceeding five dollars; and if any byſtanders ſhall interrupt, moleſt or inſult ſaid court while ſitting, ſuch perſon on conviction, ſhall forfeit and pay a ſum not exceeding twenty dollars, to be recovered as by this act directed.

Sec. 20. *Be it enacted,* That if any non commiſſioned officer or private ſhall, during the time of muſter, reſiſt his commanding officer or refuſe his lawful command, if a non commiſſioned officer, he ſhall be fined, not exceeding three dollars, reduced to the ranks, and kept under guard during ſuch muſter; if a private, he ſhall be fined not exceeding two dollars, and be kept under guard as aforeſaid, which fine ſhall be aſſeſſed as heretofore directed.

Sec. 21. *Be it enacted,* That it ſhall be the duty of the colonel or commanding officer of each regiment, to number by ballot the ſeveral companies therein contained, and alſo to number the commiſſioned officers, plainly ſetting forth the number of each company and the officers deſtined to command the ſame, which ſtatement he ſhall cauſe to be duly regiſtered by the judge advocate in his journal; the object of which is to direct the colonel or commanding officer, how, and in what manner he ſhall call men into actual ſervice, and to eſtabliſh the rank of the different companies in his regiment.

Sec. 22. *Be it enacted,* That no officer or private, ordered or directed by this act to appear as aforeſaid, ſhall be liable to be taken or arreſted by any officer, in any civil action or proceſs whatever, on the day ſuch perſon or perſons is or are directed to appear, or in any reaſonable time going to, continuing at, or returning from the ſame, but every ſuch arreſt is hereby declared to be void; and every perſon required by this act to attend muſters, going to, and returning from the ſame, ſhall be ſuffered to paſs over any bridges, and ſhall be put over any ferry without delay, free from any charge whatever; and if any ferryman demand pay for, delay or refuſe to put ſuch perſon or perſons over, or maſter of a toll bridge impede the paſſage of any perſon, he ſhall forfeit and pay for every ſuch offence, the ſum of two dollars, to be recovered by a warrant from a juſtice of the peace, one half to the informer and the other half to the uſe of the county where the offence was committed, and no non-commiſſioned officer or private ſhall be deprived of his arms and accoutrements required by this act, by execution or other proceſs of law, civil or military whatever.

Sec. 23 *Be it enacted*, That if any commiſſioned officer ſhall remove out of the bounds of his proper diviſion, brigade, regiment or company or offer himſelf a candidate for any other military appointment, or ſhall be abſent therefrom, otherwiſe than on militia duty for more than twelve months, his office ſhall thereby become vacated; and if a light-horſe man ſhall remove or be abſent in like manner from the bounds of his troop, or be appointed or elected a commiſſioned officer in any part of the militia, his place ſhall likewiſe be vacated; and if any commiſſioned officer ſhall think himſelf injured by his commanding officer of the regiment, and ſhall upon due application made to him be refuſed redreſs, he may complain to the brigadier general, who ſhall order a brigade court martial to be held under the ſame rules and reſtrictions as heretofore mentioned; if any inferior officer or private ſhall think himſelf injured by his captain or other ſuperior in the regiment, troop or company to which he belongs, he may complain to the commanding officer, who ſhall ſummon a regimental court martial, and ſaid court ſhall determine the complaint agreeable to the nature of the caſe, *provided always*, that the complainant ſhall exhibit his charge in writing, ſupported by oath or affirmation.

Sec 24. *Be it enacted*, That all elections in the militia department which may hereafter be conteſted, ſhall be determined in the following manner, viz. If the election of a major general ſhould be conteſted, the party conteſting ſuch election ſhall furniſh the governor with a fair ſtatement of his reaſons in writing, upon the receipt of which, he ſhall order a general court martial to be held at the ſeat of government, at which court each militia officer, not under the grade of field officer ſhall be entitled to a ſeat, & if the election of a brigadier general ſhould at any time be conteſted, the complainant ſhall make application in the manner before mentioned to the major general, who is hereby directed to order a brigade court martial as in other caſes; and where the election of a lieutenant colonel commandant or major ſhall be conteſted, application ſhall be made to the next higheſt officer in command, who ſhall order a regimental court martial accordingly; if under the rank of field officer, all complaints ſhall be directed to the commanding officer of the regiment where the conteſt exiſts, and in order to explain and fix a principle to govern the ſeveral courts martial in their duties reſpecting conteſted elections, it is hereby declared, that the perſon conteſting in all caſes, ſhall be bound to give ſatisfactory proof to the court, that the perſon whoſe election is conteſted did receive a number of illegal votes, which if deducted, would give a majority to the perſon conteſting; and if the perſon conteſting, ſhould fail at any time to eſtabliſh his charge, or if the charge ſhall be inſufficiently ſupported, in either caſe the court ſhall report in favor of the perſon having the greateſt number of legal votes as being duly elected.

Sec. 25. *Be it enacted*, That the preſident of each court martial ſhall certify under his hand, the name or names of the perſon or perſons thus duly elected, which certificate ſhall be directed to the governor; *Provided*, The officer ſhall be of the grade of general or field officer, if commiſſioned officers of companies, the certificate ſhall be ſigned as as aforeſaid and directed to the lieutenant colonel commandant, and by him to the governor, who ſhall iſſue commiſſions in either of the above mentioned caſes. And in order to provide more amply for deciding conteſted elections, it is hereby declared, that where the cauſe ſhould at any time ariſe from any illegal proceedings of any perſon ordering, inſpecting, or judging any election, on proof thereof being made to a court martial, ſuch election ſhall be declared void, and the preſident by and with the authority of ſaid court ſhall direct the proper officer to iſſue a writ or writs of election to fill ſuch vacancy, having reſpect to the directions contained in the act, entitled, "An act preſcribing the mode of electing the militia officers of this ſtate," paſſed at Knoxville in the year one thouſand ſeven hundred and ninety ſix: *Provided always*, That the parties conteſting any election of an officer or officers, ſhall not be permitted to vote in any court martial authorized to decide on ſuch conteſted election or elections.

Sec 26. *Be it enacted*, That in caſe of an actual invaſion or inſurrection, or an invaſion threatened or premeditated againſt this ſtate, or any part thereof, then it ſhall be lawful for the governor for the time being, or any officer by him directed, to order into actual ſervice ſuch part of the militia as the exigency may require, and to diſcharge the ſaid troops, as ſoon as he may judge it conſiſtent with the intereſt of this ſtate; and if a ſudden inſurrection ſhall be raiſed, or an invaſion made upon any county within this ſtate, the commanding officer of the militia of ſuch county is hereby authoriſed and directed to order out ſuch part of the militia as he may think neceſſary for ſuppreſſing or repelling ſuch invaſion; *Provided always*, That it ſhall be the duty of ſuch officer to tranſmit to the governor as early as practicable a ſtatement of his proceedings, ſetting forth his reaſons for exerciſing ſuch authority; and in order to explain an invaſion premeditated, it muſt be underſtood as a ſpecial requiſite, that the oath or oaths of one or more reſpectable perſons ſhall be required; and in all caſes where any part of the militia is called into ſervice by virtue of ſuch authority, the commanding officer ſhall in tranſmitting his reaſons to the governor encloſe a copy of each depoſition ſo taken; and the ſaid militia ſhall be diſcharged within thirty days from and after their rendezvous, except they be continued in ſervice for a longer time by the executive of this ſtate.

Sec. 27. *Be it enacted*, That every non-commiſſioned officer, muſician, or private who ſhall refuſe or neglect to appear either by himſelf or ſubſtitute at ſuch time and place as ſhall be appointed by his commanding officer, or appear and not armed as by this act directed, ſuch perſon on conviction before a court martial ſhall forfeit and pay a ſum not exceeding thirty dollars, and if any commiſſioned officer ſhall be guilty of the like offence, ſuch officer on conviction before a regimental, brigade, or general court martial (as the caſe may be) ſhall be ſubject to a fine not exceeding fifty dollars, and reduced to the ranks: *Provided alſo*, That each commiſſioned, non commiſſioned officer and private ſhall be notified of ſuch requiſition, which muſt depend upon circumſtances, for if the perſon be notified it ſhall be available in law, Sec. 28. *Be it enacted*, That if any perſon ſhall be called upon to perform a tour of duty, ſuch perſon ſhall be acquitted from the ſame, provided he furniſh his commanding officer with an able bodied ſubſtitute in his room and ſtead; no ſubſtitute ſhall be received unleſs armed as by this act directed; but if ſuch ſubſtitute in his own turn ſhall be called into actual ſervice, previous to the expiration of the term for which he ſhall have been enrolled, then the perſon procuring ſuch ſubſtitute ſhall march in his room, or be liable to the ſame penalties, as if called upon in his own name; any perſon called upon to perform a tour of duty as aforeſaid, and ſerving by himſelf or ſubſtitute, or otherwiſe paying ſuch fine as a court martial ſhall adjudge adequate to the offence, ſuch perſon ſhall not be bound to perform any tour of duty until regularly called upon in rotation.

Sec 29 *Be it enacted*, That the ſaid militia ſhall not be compelled to ſerve a longer time in any one tour than three months after their arrival at the place of rendezvous.

Sec. 30. *Be it enacted*, That all fines and forfeitures ariſing by virtue of this act from the twenty-fourth ſection and onward, ſhall be aſſeſſed, collected and paid as heretofore directed, and applied by the lieutenant colonel commandant, to the expreſs purpoſe of hiring ſubſtitutes when the ſame may be found neceſſary; and if his fund for that purpoſe be inadequate he ſhall order into ſervice a ſufficient number to complete the quota required, of thoſe deſtined next for duty, who ſhall be bound to perform accordingly, under the ſame penalties as heretofore declared, and ſet forth in this act, & where ſuch vacancy may happen in the ranks of commiſſioned officers, the commanding officer of each regiment ſhall proceed to fill ſuch vacancy by calling into ſervice any officer of the ſame grade next in order for command.

Sec. 31. *Be it enacted*, That in caſe any perſon or perſons are fined as by this act directed, and ſhall remove out of the bounds of the county where ſuch fine is aſſeſſed previous to his or their ſatisfying the ſame, it ſhall be lawful for the court martial to iſſue an execution ſigned by the preſident of ſaid court as directed by this act, authoriſing the ſheriff of the county into which he or they may have removed to collect and account with the colonel of the county from which the ſaid execution iſſued

Sec. 32. *Be it enacted*, That all commiſſioned officers ſhall take rank according to the office they hold, and the date of their commiſſion, and where two or more officers of like rank ſhall have been commiſſioned on the ſame day, their rank in the brigade or regiment to which they belong ſhall be decided by lot, drawn before the commanding officer of ſuch brigade or regiment, who ſhall have the ſame recorded by the brigade major, or judge advocate.

Sec. 33. *Be it enacted*, That if any commiſſioned officer ſhall be charged with behaving himſelf in a ſcandalous or infamous manner, either in or out of ſervice, unbecoming the character of an officer and a gentleman, he ſhall be arreſted and tried by a general or regimental court martial, agreeable to the rules contained in this act, if found guilty, ſhall be caſhiered and enrolled as a private in the company within the diſtrict of his reſidence.

Sec. 34. *Be it enacted*, That if any perſon ſhall vote at any election preſcribed in this act, and not duly qualified, ſhall on conviction forfeit and pay five dollars, to be recovered as in other caſes, to the uſe of him or them ſuing for the ſame.

Sc. 35. *Be it enacted,* That no perſon belonging to any religious denomination, the tenets of which is oppoſed to bearing of arms, ſhall be fined for not attending general or private muſters; but ſhall nevertheleſs be claſſed, drafted & ordered on duty as other privates in all other caſes, and in caſe of non performance ſhall be ſubject to the ſame penalties.

Sec. 36. *Be it enacted,* That it ſhall be the duty of the captain or commanding officer of companies, as well cavalry as infantry, to cauſe this law to be read twice in each year on two ſeveral days, to their reſpective companies.

Sec 37. *Be it enacted,* That this act ſhall be in force and uſe from and after the firſt day of January next.

CHAP. II.

An ACT *reſpecting the admiſſion and licence of perſons to practice as attornies in the ſeveral courts in this ſtate.*—(PASSED DEC 20. 1798.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That ſo much of the fourth ſection of an act, entitled, "An act to amend an act, eſtabliſhing courts of law and for regulating the proceedings therein," paſſed at the firſt ſeſſion of the general aſſembly of the territory of the United States of America ſouth of the river Ohio, as reſpects the reſidence of attornies, is hereby repealed and made void, any law uſage or cuſtom to the contrary notwithſtanding.

Sec. 2. *Be it enacted,* That from and after the paſſing of this act, all perſons who ſhall hereafter apply for admiſſion to practice as an attorney at law, ſhall undergo an examination before two or more judges of the ſuperior courts of law and equity for this ſtate; and if ſuch perſon ſo applying be found to poſſeſs a competent ſhare of law knowledge and be a perſon of upright character, ſuch judges ſhall grant him a licence under their hands, to practice in any court in this ſtate, for which they may judge him qualified.

Sec. 3. *Be it enacted,* That no perſon coming into this ſtate from any other ſtate, or any foreign country, with an intention to practice the law, ſhall be admitted to practice as an attorney, until he produces ſufficient voucher from under the hand or hands of ſome known perſon or perſons of veracity. that he ſo applying as aforeſaid, is a perſon of good moral character; and ſuch attornies before they ſhall be admitted to practice in any court in this ſtate, ſhall in open court take and ſubſcribe the following oath, viz. I, A. B. do ſwear, that I will truly and honeſtly demean myſelf in the practice of an attorney, to the beſt of my ſkill and abilities.

CHAP. III.

An ACT *to revive the ſixth ſection of an act, paſſed by the general aſſembly of the ſtate of North Carolina, entitled, "An act for raiſing troops for the protection of the inhabitants of Davidſon county," paſſed at Fayetteville, in the year of 1785.*—(PASSED DECEMBER 22, 1798)

WHEREAS the ſaid ſixth ſection authoriſed the juſtices of ſaid county to lay a tax on the taxable property of the county aforeſaid, for the purpoſe of ſupporting ſaid troops, and the ſaid law having expired before the accounts of the collector were liquidated; for remedy whereof,

BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That from and after the paſſing of this act, ſo much of the ſaid ſixth ſection as relates to the power given to the juſtices of the county aforeſaid in making allowances to, & ſettling the accounts of the ſaid collector, be, and the ſame is hereby declared to be in full force. And *whereas* the counties of Montgomery and Robertſon were part of the ſaid county of Davidſon at the paſſing of the above recited act, *Be it enacted,* That two thirds of the juſtices of Davidſon county, two thirds of the juſtices of Montgomery county, and two thirds of the juſtices of Robertſon county, ſhall ſeparately appoint one man on behalf of each county, who ſhall have full power to ſettle and liquidate the accounts of Daniel Rowan as collector, in purſuance of the law above recited; and on ſaid ſettlement, if it ſhould appear to the three men appointed as aforeſaid, they ſhall report to the juſtices of each county aforeſaid when in ſeſſion; which report ſhall be full authority for two-thirds of the acting juſtices of ſaid counties to enforce the act above recited, ſo as to pay what may appear due to ſaid Daniel Rowan as collector aforeſaid: ſaid counties ſhall pay in proportion to the amount of taxable property in each.

CHAP. IV.

AN ACT *to explain an act, entitled,* "An act to veſt the property of Jas. M'Cown, deceaſed, in John Richardſon, Jeſſe Richardſon, Robert Richardſon and Sarah Richardſon"—(PASSED DEC. 22, 1798.)

BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the ſaid act can only be underſtood to veſt ſuch part of the property of the ſaid James M'Cown, deceaſed, in any perſon or perſons, as ſhall remain all after the juſt debts and demands of creditors againſt the ſaid eſtate are fully paid and ſatisfied.

CHAP. V.

AN ACT *to reſtore Robert Young to certain legal capacities and privileges.*

(PASSED DECEMBER 22, 1798.)

Section 1. B*E it enacted by the General Aſſembly of the State of Tenneſſee,* That Robert Young, who has heretofore been convicted of horſe ſtealing, ſhall and is hereby declared to be reſtored to all and ſingular the legal capacities and privileges which he heretofore has been by law deprived of, in conſequence of the ſaid conviction: *Provided,* That nothing in this act contained ſhall extend or be conſtrued to prevent the puniſhment by law preſcribed for a ſecond offence of horſe ſtealing.

Sec. 2. *Be it enacted,* That this act ſhall be in force from and after the paſſing thererеof.

CHAP. VI.

AN ACT *extending and deſcribing the bounds of Blount county.*

(PASSED DECEMBER 28, 1798.)

B*E it enacted by the General Aſſembly of the State of Tenneſſee,* That from and after the paſſing of this act, the county of Blount ſhall be contained within the following deſcribed bounds: Beginning upon the ſouth ſide of Holſton, at the mouth of Little River; thence up the meanders of Little River on the ſouth ſide, to the mouth of Stock Creek, and up the meanders of Stock Creek upon the ſouth ſide, to the head of Nicholas Bartlett's mill pond at high waters; thence a direct line to the top of Bay's mountain, leaving the houſe of James Willis to the right, within forty rod of ſaid line; thence along Bay's mountain to the line of the county of Sevier; thence with that line to the eaſtern boundary of the ſtate; thence ſouthwardly with the ſaid eaſtern boundary to the line lately run and marked agreeably to the late treaty between the United States and the Cherokee Indians, and with that line to the river Tenneſſee; thence down the Tenneſſee with the meanders thereof to the mouth of Holſton, and thence up the meanders of the ſaid river Holſton to the beginning.

CHAP. VII.

AN ACT *appointing additional commiſſioners to the town of Springfield, to act with thoſe heretofore appointed by law.*—(PASSED DEC. 29, 1798.)

BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That Thomas Johnſon, Arthur Cheatham, jur Lias Fort, of Miller's creek, and George Bell be appointed commiſſioners to act with thoſe heretofore appointed by law, with full power to regulate the ſaid town and carry into effect the public buildings, agreeable to an act of the general aſſembly, paſſed at Knoxville the 28th day of March, 1796, eſtabliſhing a town in the county of Robertſon, by the name of Springfield.

CHAP. VIII.

AN ACT, *authoriſing and eſtabliſhing a town on the point formed by the confluence of Powell's river with the Clinch, on the lands of John Umſtead.*—(PASSED DECEMBER 29, 1798.)

WHEREAS it is repreſented to this general aſſembly, that the eſtabliſhment of a town at the point formed at the junction of the Powell's river with the Clinch, will contribute to the intereſt of commerce and promote the ſettlement of that tract of country lately ceded by the Cherokee Indians. And whereas it appears to be the wiſh of the proprietor that ſuch town be eſtabliſhed; therefore

Be it enacted by the General Aſſembly of the State of Tenneſſee, That a town be eſtabliſhed at the ſaid point, formed by the junction of the Powell's river with the Clinch, to conſiſt of one hundred acres, to be laid out in convenient ſtreets, lots, ſquares and commons, under the direction of James Grant, Jacob Womack and John Owens, ſen. who are hereby declared commiſſioners for laying out and regulating the ſaid town, which town ſhall be called and known by the name of Grantſborough.

CHAP. IX.

AN ACT *reſpecting the ninth and twenty fourth ſections of an act, entitled,* "An act aſcertaining what property in this ſtate ſhall be deemed taxable, and the mode of collecting, accounting for and paying public taxes," *paſſed October the 25th,* 1797.—(PASSED DEC 29, 1798.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That all perſons who have incurred the fine and double tax under the act above recited, by not returning their taxable property and polls, either by themſelves, their agents, attornies or managers, for the year 1798, ſhall be releaſed from ſaid fine and double tax; *provided* they return a true liſt of all ſuch property and polls as deſcribed by the above recited act, unto the clerk of each and every county court, at the ſecond court in each county, in the enſuing year, and pay the ſingle tax as deſcribed by ſaid act, together with all coſts & charges accruing thereon for their non performance as aforeſaid, unto the ſheriff or collector of each and every county within ten days after the liſt ſo returned to the clerk as aforeſaid.

Sec. 2. *Be it enacted*, That all fines and double taxes hereafter ariſing and accruing under and by virtue of the ſaid ninth ſection, ſhall be collected, accounted for and paid in the ſame manner that public taxes are collected, accounted for and paid.

Sec. 3. *Be it enacted*, That ſo much of the twenty fourth ſection of the ſaid act as comes within the purview and meaning of this act, ſhall be and the ſame is hereby repealed and made void, any law to the contrary notwithſtanding.

CHAP. X.

AN ACT *to extend the bounds of Davidſon and Sumner counties.*

(PASSED DECEMBER 29, 1798.)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That from and after the paſſing of this act, the bounds of Davidſon county ſhall be as follows, viz. Beginning on the ſouth bank of Cumberland river oppoſite the mouth of Sycamore creek, runs ſouth to the Indian boundary line, thence eaſtwardly with ſaid Indian boundary line to the main weſt fork of Stone's river, thence down the middle of ſaid fork to the old continental line, continued down ſaid fork with the boundary line of ſaid county heretofore eſtabliſhed by law, and continuing with the bounds deſcribed hertofore to the beginning.

Sec. 2. *Be it enacted*, That from and after the paſſing of this act the bounds of Sumner county ſhall be as follow: beginning on the Kentucky ſtate line where Robertſon county ſtrikes the ſame, runs eaſtwardly with ſaid ſtate line to where the Indian boundary line ſtrikes the ſame, thence a ſouthweſtwardly courſe with ſaid Indian boundary to the main weſt fork of Stone's river, thence down ſaid fork with Davidſon county line. and continuing with ſaid county line and Robertſon county line as eſtabliſhed by law heretofore to the beginning.

CHAP. XI.

AN ACT *to repeal the ſecond ſection of an act, entitled,* "An act for laying and collecting county taxes," ſo far as reſpects Hawkins county.

(PASSED DECEMBER 30, 1798.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the ſecond ſection of an act, entitled, "An act for laying and collecting county taxes, be and the ſame is hereby repealed and made void ſo far as it reſpects Hawkins county.

Sec. 2. *Be it enacted*, That this act ſhall be in force from and after the paſſing thereof.

CHAP. XII.

AN ACT *to eſtabliſh a town by the name of Leeſburgh, on the lands of Michael Fraker, Abraham Campbell and John Campbell, in the county of Waſhington.*—(PASSED JAN. 1, 1799.)

WHEREAS a town hath been laid off in the county of Waſhington, on the lands of Michael Fraker, Abram Campbell & Jno Campbell, and a conſiderable number of lots ſold by the proprietors, and the purchaſers of theſe lots are deſirous that the town ſhould be eſtabliſhed by legiſlative authority:

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That ninety acres of land, lying in Waſhington county, belonging to Michael Fraker, Abraham Campbell and John Campbell, who have ſignified their conſent for this purpoſe, be eſtabliſhed a town, and town common agreeable to a plan laid off by the ſaid Michael Fraker, Abraham Campbell and John Campbell, conſiſting of one hundred lots of half acre each, together with a ſquare of two acres, with neceſſary ſtreets and allies, numbered from one to one hundred, both numbers incluſive, is hereby eſtabliſhed a town by the name of Leeſburgh, agreeable to the plan of ſaid town.

Sec. 2. *Be it enacted*, That from and after the paſſing of this act, Alexander M'Linn, John Blair, John Cowan, John Ferguſon and Joſeph Tucker, be and they and every of them are hereby conſtituted commiſſioners for the further deſigning, building and improving the ſaid town.

Sec. 3. *Be it enacted*, That in caſe of death, refuſal to act, or removal of any of the ſaid commiſſioners, the ſurvivors or a majority of them are hereby authoriſed to nominate and appoint by inſtrument in writing under their hands, ſome perſon being an inhabitant and freeholder of the ſaid county, in the place and room of him ſo dead, refuſing to act, or removing out of the county, which ſaid commiſſioner or commiſſioners ſo appointed, ſhall have and exerciſe all the ſame powers and authorities in all matters herein contained, as the perſon in whoſe room and ſtead he was ſo appointed, had and exerciſed.

CHAP. XIII.

AN ACT *to add part of Greene county to the county of Cocke.*

(PASSED JANUARY 2, 1799)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That from and after the paſſing of this act, the line that divides the county of Greene from the county of Cocke, ſhall begin at the corner of Greene and Jefferſon counties, on Nolichucky river, at the end of Bay's mountain, from thence up Nolichucky river to the mouth of Oven creek, from thence a direct line to major Gragg's, ſo as to leave his plantation in Greene county; from thence a direct line to the Painted Rock on French Broad river, below the Warm Springs; from thence ſouth to the Cocke county line, and all that part lying ſouth of the ſaid line ſhall be a part of Cocke county.

Sec. 2. *Be it enacted*, That the ſheriff of Greene county ſhall have the ſame power and lawful authority to collect and receive all his arrearages of taxes and executions, in that part of Cocke county that was formerly part of Greene county, in the ſame manner as if this act had never been paſſed.

CHAP XIV.

AN ACT *authoriſing the taxing of lands, ceded by the Cherokees at a late treaty held at or near Tellico, and for taxing the lands lying ſouth of French Broad and Holſton between the rivers Tenneſſee and Big Pigeon, claimed or held by occupancy or pre-emption.*—(PASSED JAN 4, 1799)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That all lands ceded by the Cherokees by the treaty lately concluded at or near Tellico, held by deed, grant, entry, legacy, deſcent, by leaſe or by right of dower, ſhall be liable to taxation in the ſame manner as all other lands within the bounds of the treaty of Holſton.

Sec. 2. *Be it enacted*, That all lands lying ſouth of French Broad & Holſton rivers, & between the rivers Tenneſſee and Big Pigeon, held or claimed by occupancy or pre-emption, ſhall be liable to taxation in the ſame manner and under the ſame reſtrictions and penalties as all other lands within the bounds of the treaty of Holſton, held by deed, entry, or leaſe, or right of dower.

CHAP. XV.

An ACT *appointing additional commiſſioners for Sevierville.*

(PASSED JAN 5 1799)

BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That Joſiah Rogers, William Henderſon, Samuel Blair, and Iſaac Thomas, are hereby conſtituted and appointed commiſſioners for Sevierville, in addition to thoſe heretofore appointed by law.

CHAP. XVI.

An ACT *fixing and apportioning the number of ſenators and repreſentatives to repreſent the people of this ſtate in general aſſembly, in conformity to the firſt article of the conſtitution.*

(PASSED JANUARY 5 1799)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That in conformity to the ſecond, third, and fourth ſections of the firſt article of the conſtitution, the number of ſenators and repreſentatives to repreſent the people of this ſtate in general aſſembly, ſhall and is hereby declared to be fixed, that is to ſay, the number of ſenators ſhall be twelve, and the number of repreſentatives ſhall be twenty four, which ſhall be, and are declared to be apportioned as by this act hereafter directed.

Sec. 2. *Be it enacted*, That four ſenators and eight repreſentatives ſhall be and are hereby declared to be apportioned to the diſtrict of Waſhington in manner following: Waſhington county, two repreſentatives; Carter county, one repreſentative; the counties of Waſhington and Carter, as a diſtrict, one ſenator; Sullivan county, one ſenator and two repreſentatives; the county of Greene, one ſenator and two repreſentatives; the county of Hawkins, one ſenator and one repreſentative.

Sec. 3. *Be it enacted*, That four ſenators and eight repreſentatives ſhall be and are hereby declared to be apportioned to the diſtrict of Hamilton in manner following: the county of Knox, one ſenator and two repreſentatives; the county of Grainger one ſenator and two repreſentatives; the county of Blount, one repreſentative; the county of Sevier, one repreſentative; the counties of Blount and Sevier, as a diſtrict, one ſenator; the county of Jefferſon, one repreſentative; the county of Cocke, one repreſentative; the counties of Jefferſon and Cocke, as a diſtrict, one ſenator.

Sec. 4. *Be it enacted*, That four ſenators and eight repreſentatives ſhall be and are hereby declared to be apportioned to the diſtrict of Mero in manner following: the county of Davidſon, one ſenator and three repreſentatives; the county of Sumner, one ſenator and three repreſentatives; and Davidſon county ſhall be entitled to elect two ſenators, at the election held agreeable to the conſtitution and law, in that caſe, in the year 1799; Sumner county ſhall be entitled to elect two ſenators at the election held in the year 1801; Davidſon county ſhall be entitled to elect two ſenators at the election held in the year 1803; Sumner county ſhall be entitled to elect two ſenators at the election held in the year 1805; the county of Robertſon, one repreſentative; the county of Montgomery one repreſentative; the counties of Robertſon and Montgomery, as a diſtrict, one ſenator.

Sec. 5. *Be it enacted*, That the ſenators and repreſentatives apportioned as by this act directed, ſhall be elected as preſcribed by law, in the ſeveral counties in each diſtrict; and in caſes of joining counties in forming a ſenatorial diſtrict, an election for ſuch ſenator ſhall be held in each county reſpectively, at the time and places, and under the ſame rules, regulations, and reſtrictions as provided by law in caſes of counties heretofore joined to elect a repreſentative.

Sec 6 *Be it enacted*, That the ſheriffs of Blount and Sevier counties ſhall meet at the houſe of Joſeph Vance; the ſheriffs of Jefferſon and Cocke ſhall meet at the houſe of Parmenas Taylor on French Broad; the ſheriffs of Robertſon and Montgomery ſhall meet at the houſe of William Connel, on Bruſh creek; the ſheriffs of Waſhington and Carter ſhall meet at the court houſe in Joneſborough, to compare the votes for ſenators for thoſe ſenatorial diſtricts reſpectively, on the firſt Monday ſucceeding the election, who ſhall declare the perſon having the greateſt number of votes duly elected, and give certificates of election accordingly.

Sec. 7. *Be it enacted*, That this act ſhall be in force from and after the paſſing thereof.

CHAP. XVII.

An ACT *to amend an act entitled* "An act for the regulation of Knoxville — (PASSED JANUARY 5, 1799.)

WHEREAS by omiſſion, the commiſſioners authoriſed to be elected by the firſt ſection of the above recited act never have been elected, nor can be elected without further authority for ſo doing—for remedy whereof,

BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That elections ſhall be held for five commiſſioners as authorized by that act, on the firſt Saturday in February in every ſecond year; the firſt on the firſt Saturday of February next; and the ſheriff of Knox county ſhall advertiſe ſuch elections at three of the moſt public places in Knoxville, at leaſt ten days previous to ſuch election; and the commiſſioners elected under this act, ſhall be veſted with all the power and authority that commiſſioners could or would have had elected under that act, on the days therein authorſed.

CHAP. XVIII.

An ACT *for the eſtabliſhment of fairs in the county of Sullivan.*

(PASSED JANUARY 5, 1799.)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the inhabitants of the county of Sullivan ſhall have the privilege of holding two fairs in each and every year, in Blountville, for the purpoſe of ſelling all kind of goods, wares, and merchandize, free to every citizen of this ſtate, ſubject to ſuch regulations as may by law be hereafter eſtabliſhed; and the ſaid fairs ſhall be held on the firſt Thurſdays and Fridays of May and November in each and every year.

CHAP. XIX.

An ACT *reſpecting dollars and cents, and contracts and the manner of keeping accounts ſo far as reſpects the currency in which contracts ſhall be made and accounts kept*—(PASSED JANUARY 5, 1799.)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That all verdicts and judgments in courts of record, and by juſtices of the peace out of court, ſhall be rendered in dollars and cents, or ſuch parts thereof as the nature of the caſe may require; and all executions thereon, and all bills of coſts ſhall iſſue accordingly.

Sec. 2. *Be it enacted,* That from and after the firſt day of January, one thouſand eight hundred, all accounts ſhall be kept, and contracts made where money is ſtipulated for, in dollars and cents, or ſuch parts thereof as the nature of the caſe may require; and all accounts kept, or contracts entered into, where money is ſtipulated for, other than is by this act directed, ſhall be void, and not recoverable by law.

CHAP. XX

An ACT *for making compenſation to the members, clerks and door keepers of the general aſſembly and for defraying other neceſſary contingencies.* (PASSED JAN. 5, 1799.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That it ſhall be lawful for each member to receive the ſum of one dollar and ſeventy five cents for each day he ſhall have attended the general aſſembly, and the ſame for every twenty five miles he ſhall travel in going to and returning from the ſame.

Sec. 2. *Be it enacted,* That each principal clerk of the general aſſembly ſhall be allowed the ſum of two dollars and fifty cents per day for their ſervices; and that two dollars and fifty cents per day be allowed each aſſiſtant clerk; and that the further allowance be made for contingent expences, namely, to Edward Scott, thirty dollars; to Stephen Heard, thirty dollars; to George Roulſtone, thirty dollars; to N. B. Buckingham, thirty dollars.

Sec. 3 *Be it enacted,* That each door keeper ſhall be allowed for his ſervices two dollars for each day he has attended on the general aſſembly.

Sec. 4. *Be it enacted,* That George E. Wilſon be allowed the ſum of one hundred and twenty dollars for the uſe of two rooms for the accommodation of the general aſſembly, and fire wood, &c.

Sec. 5 *Be it enacted,* That Joſeph Greer be allowed the ſum of ſix hundred and ſixty eight dollars and twenty one cents, for proviſions, liquors, &c. furniſhed the agency of this ſtate, attending the late treaty with the Cherokees; ſaid Greer ſhall nevertheleſs be bound to give credit for all monies which he hath received in conſequence of the ſame.

Sec. 6. *Be it enacted,* That the ſum of four hundred dollars be paid into the hands of Joſeph Greer, of Knoxville, for the uſe of Geo. Roulſtone and John R. Parrington, for printing the acts, journals, and other papers of this general aſſembly; provided always, that ſaid Joſeph Greer, eſq. ſhall retain ſaid money in his hands, to be rendered to the next general aſſembly, unleſs the printing be done agreeable to the contract entered into between ſaid Roulſtone and Parrington on one part, and the general aſſembly on the other.

Sec. 7. *Be it enacted,* That the ſecretary of ſtate be allowed the ſum ſixty four dollars and forty three cents for ſtationary, and ten dollars for poſtage of public papers heretofore expended.

Sec 8. *Be it enacted*, That Robert Henry Dyer be allowed the ſum of twenty five dollars for his ſervices as ſergeant at arms.

Sec 9. *Be it enacted*, That Geo. Roulſtone be allowed the ſum of two hundred and fifteen dollars, the balance due for printing the laſt acts and journals of laſt general aſſembly, and other public papers printed prior to the preſent aſſembly.

Sec. 10. *Be it enacted*, That Stephen Haynes be allowed nine dollars and ſixty ſix and two thirds cents, for ſervice, and damage done his houſe by fire, &c. when in uſe of the ſenate.

CHAP. XXI.

AN ACT *deſcribing and extending the bounds of Grainger county.* —(PASSED JANUARY 5. 1798.)

Section 1 BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the bounds of Grainger county ſhall be aſcertained and known by the following lines, viz beginning on the main road leading from Bull's Gap to Haines's Iron works on Moſſey Creek, at the houſe of Phelps Reed, leaving ſaid houſe in Grainger county, thence to a marked tree near the dwelling houſe of James Blair, ſenior, on the line from Phelps Reed's to Thomas Henderſon's, thence to the ſaid Henderſon's and Dyer's ſouth weſt corner; thence a north courſe with ſaid Henderſon's and Dyer's line, ſo as to leave the houſe of Robert Patterſon ten poles in Grainger county, thence a direct line to Clinch river a quarter of a mile below the mouth of Big War Creek, thence to the Black Lick, leaving the houſe of William Hurd in Hawkins county; thence with the laſt mentioned courſe to the top of Powel's mountain, thence the ſame courſe to the Virginia line, thence with ſaid line to the Indian boundary line at Cumberland mountain, thence with ſaid boundary line to where the preſent Knox line interſects the ſame, thence with Knox line to the top of the Croſs mountain, thence with ſaid mountain to Clinch river, thence up ſaid river to a point, that a ſouth eaſt line will ſtrike the end of Clinch mountain, thence with the ridge that divides the waters of Richland creek from thoſe of Flat creek, to the firſt bluff below Boyles's old place on Holſton river, thence up Holſton river to the the mouth of Panther creek, thence up ſaid creek to the road leading from Bull's Gap to Haines's Iron works, thence up ſaid road to the beginning.

Sec. 2 *Be it enacted*, That the county of Jefferſon ſhall ſend five jurors to the ſuperior courts, and the county of Grainger ſeven jurors to each ſuperior court for the diſtrict of Hamilton.

Sec. 3 *Be it enacted*, That this act ſhall be in force and uſe from and after the paſſing the ſame.

CHAP. XXII.

AN ACT, *deſcribing and extending the bounds of Knox county, and for authoriſing the taxing the land ceded by the treaty at or near Tellico for the year of 1799, and all ſucceeding years.*—PASSED JANUARY 5, 1799.

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That from and after the tenth day of January inſtant, the county of Knox ſhall be contained in the following deſcribed limits or bounds: beginning upon the ſouth ſide of Holſton at the mouth of Little river, thence up the meanders of Little river upon the ſouth ſide to the mouth of Stock creek, and up the meanders of Stock creek upon the ſouth ſide to the head of Nicholas Bartlett's Mill pond at high waters, thence a direct line to the top of Bay's mountain, leaving the houſe of James Willis within forty rod to the right hand, thence with the extreme hight of the ſaid mountain to its interſection with the river French Broad, a ſmall diſtance below the houſe in which Andrew Evans lived in the year of one 1796, thence acroſs French Broad, to a ridge, the continuation of ſaid mountain, which ridge or continuation of ſaid mountain divides the waters of Tuckahoe creek from thoſe of Dumplin creek, and with the extreme height of that ridge or mountain to the line run by Greer, Bayles, and M' Cleary, in the year of one thouſand ſeven hundred and ninety ſix, thence with that line to the mouth of Creſwell's creek; thence up the Holſton to the upper end of the firſt Bluff above Boyles's old place, thence with the ridge which divides the waters of Richland creek from thoſe of Flat creek to the end of Clinch mountain, thence a north weſt courſe to Clinch river, thence down ſaid river oppoſite the end of the Croſs mountain; thence with ſaid mountain to the Indian boundary line at Cumberland mountain, and with Cumberland mountain agreeable to the treaty lately entered into at or near Tellico, between the United States and the Cherokees to Emery's river; thence down Emery's river according to its meanders to the river Clinch, and down the Clinch to the point where the line of the ſaid treaty ſtrikes the ſaid river, and with that line to the river Tenneſſee, thence up the meanders of that river to the point formed by the junction of the Holſton therewith, thence up the Holſton with its meanders upon the ſouth ſide to the mouth of Little river.

Sec. 2. *Be it enacted*, That the lands ceded by the Cherokees by the treaty entered into at or near Tellico, ſhall be liable to taxation for the year of one thouſand ſeven hundred and ninety-nine, and every ſucceeding year, in the ſame manner and under the ſame regulations and penalties as all other lands within the bounds of the treaty of Holſton are liable.

CHAP. XXIII.

AN ACT *authoriſing the governor of this ſtate to aſſign and transfer adminiſtration bonds of the deſcription therein mentioned to the perſon or perſons thereto entitled.*—(PASSED JANUARY 5, 1799.)

WHEREAS there are many bonds called adminiſtration bonds given and executed by adminiſtrators and their ſecurities during the time this ſtate was part of the ſtate of North Carolina, made payable to the governor and his ſucceſſors in office of the ſaid laſt mentioned ſtate; and it being expedient that any perſon or perſons who may deem themſelves injured in any matter or thing appertaining to ſuch adminiſtration, and who may be entitled to a remedy for ſuch injury, ſhould have ſuch bond or bonds aſſigned and transferred to him, her, or them; therefore:

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the clerk of the court of any county in this ſtate, in whoſe office any ſuch adminiſtration bond may be filed, ſhall on application of the party entitled thereto and requeſting the ſame, give a true, perfect, and atteſted copy of any ſuch bond, and for the ſame the clerk may demand the ſum of fifty cents.

Sec. 2. *Be it enacted*, That the governor for the time being, of this ſtate, ſhall and may exerciſe all and every power of aſſigning and transferring ſuch adminiſtration bond to the party entitled thereto, on exhiſtion of ſuch atteſted copy in as full and ample manner to all intents and purpoſes as the governor of the ſtate of North Carolina was by law authoriſed to do; and ſuch aſſignment and transfer ſhall be good and ſufficient in law, any law to the contrary notwithſtanding.

Sec. 3. *Be it enacted*, That an atteſted copy, as by this act directed, of any adminiſtration bond with ſuch aſſignment and transfer thereto annexed, ſhall be taken as evidence of the bond given by any adminiſtrator or adminiſtrators, and his, her or their ſecurities; and the parties injured ſhall and may have and maintain his, her or their action thereon, in his, her or their own names, and proceed to judgment and execution: *Provided nevertheleſs*, That nothing in this act contained ſhall be conſtrued to prevent either party, plaintiff or defendant, in caſe ſuch copy ſhould be conteſted from having a ſubpœna to bring with him the original bond of which ſuch atteſted copy was given, for the clerk of the court who iſſued the ſaid conteſted copy.

Sec. 4 *Be it enacted*, That this act ſhall be in force from and after the paſſing thereof.

CHAP. XXIV.

An ACT *for eſtabliſhing offices for receiving entries of claims for all vacant lands within the ſeveral counties in this ſtate, and aſcertaining the method of obtaining titles to the ſame*—(PASSED JAN 5, 1799)

Sec. 1 BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That there ſhall be appointed one entry taker and one ſurveyor in each and every county in this ſtate, who ſhall hold their appointment during good behaviour.

Sec. 2. *Be it enacted*, That the claimant of any land ſhall produce to the entry taker, a writing ſetting forth the name of the county wherein the land ſhall be ſituated, the neareſt water courſe and remarkable places, and ſuch water courſes, lakes or ponds as may be therein, the natural boundaries and lines of any other perſon or perſons, if any, which divide it from other lands; and every ſuch writing ſhall be endorſed by the entry taker with the name of the claimant, and the number of acres claimed, and a copy thereof ſhall be entered in a book, well bound and ruled, with a large margin, and into ſpaces of equal diſtance; every ſpace to contain only one entry, and every entry ſhall be made in the order of time in which it ſhall be received, and numbered in the margin; and if no perſon ſhall appear within three months after to make claim for the ſame lands, the entry taker ſhall deliver to the party a copy of the entry, with its proper number, and order to the county ſurveyor to ſurvey the ſame, which order ſhall be written or printed on at leaſt a quarter of a ſheet of paper; but if any perſon ſhall appear within the time aforeſaid, and ſet up a claim to any lands which ſhall be entered, the entry taker ſhall note the ſame in the margin of the book of entries, oppoſite to the claim in diſpute, and ſhall tranſmit a copy of the whole to the county court, to be proceeded on as by this act directed, and in the mean time ſhall forbear to iſſue any order to the ſurveyor relative thereto.

Sec. 3. *Be it enacted*, That where any perſon or perſons have ſettled or improved with an intention to become lawful proprietors thereof, and by reaſon there was no method for aſcertaining the bounds of their reſpective claims, it may happen that diſputes may ariſe reſpecting bounds and priority of occupancy, and it is expedient that all ſuch diſputes be terminated with as little delay and expence as poſſible, conſiſtent with the laws and conſtitution of this ſtate,

Sec. 4. *Be it enacted.* That the inhabitants ſouth of French Broad river, in all caſes, ſhall have the preference to enter by pre-occupancy, provided the entries are made within the time preſcribed by law; and for the better aſcertaining what ſhall be deemed a lawful improvement, it ſhall be as follows, viz. an houſe built, land encloſed and cultivated, or part thereof.

Sec. 5. *Be it enacted*, That when the entry taker ſhall certify to the county court the diſputed claim as by this act directed, the ſaid court ſhall order the ſheriff to ſummon a jury of good and lawful men, unconnected by affinity or conſanguinity with the contending parties, who ſhall be above all exceptions, and having given the parties ten days previous notice, ſhall go with the ſaid jury on the premiſes, and the jury being ſworn to do equal right between the parties, to cauſe the witneſſes on both ſides to be examined, and the allegations of the parties to be made before ſuch jury, and to receive the verdict of ſuch jury, and return the ſame, together with the pannel, to the next county court; and at the ſaid court, if it ſhall appear that the jury have found generally for any of the parties, then the court ſhall order an authentic copy of the verdict to be delivered to the party for whom the ſame ſhall be found, who entering the ſame with the entry taker, and performing the requiſites by this act required, ſhall obtain a certificate and order of ſurvey in like manner as if he had made entry of a claim for the ſame premiſes; and the entry taker ſhall refund to the other party all the money which he has received from him, except the fees to himſelf for the ſervices actually performed; and in all caſes where the jury ſhall find a ſpecial verdict, the county court ſhall decide thereon according to the right of the caſe, and ſhall order ſuch determination to be delivered to the party who may thereupon proceed as in caſe of a general verdict: *Provided*, That where it may be made appear to the county court that the jury were partial or not all good and lawful men as or required, influenced by unfair practices of the party for whom they ſhall find, the ſaid court ſhall order a new trial and the proceeding ſhall be as before directed.

Sec. 6. *Be it enacted*, That where any claim ſhall be made to any lands for which a prior claim has been duly entered before ſuch ſubſequent claim ſhall be received, the party making the ſame ſhall enter into bond with the entry taker with ſufficient ſecurity, payable to the adverſe party in the ſum of five hundred dollars, that he will proſecute the ſaid claim with effect, and if he ſhall fail therein he ſhall pay all coſts and damages which ſhall accrue; which coſt ſhall not exceed the fees in cauſes of jurors of view, in cauſes reſpecting the title or bounds of lands, and the clerks and attornies fees as by law eſtabliſhed in other cauſes, but may be diminiſhed by the courts reſpectively as they ſhall judge right.

Sec. 7. *Be it enacted*, That every county ſurveyor upon receiving the copy of the entry and order of ſurvey for any claim of lands, ſhall as ſoon as may be lay off and ſurvey the ſame agreeable to this act, and make thereof two fair plats, a ſcale whereof ſhall be mentioned on ſuch plats, and ſhall ſet down in words, the beginning, angles, diſtances, marks and watercourſes and other remarkable places croſſed or touched by or near to the lines of ſuch lands, and alſo the quantity of acres, and ſhall tranſmit the plats to the ſecretary's office, together with the warrant or order of ſurvey, one of which ſhall be filed by the ſecretay and the other annexed to the grant, and no ſurvey ſhall be made without chain carriers, who ſhall actually meaſure the land ſurveyed, and ſhall be paid by the party for whom the ſurvey ſhall be made; and ſuch chain carriers ſhall be ſworn to meaſure juſtly and truly, and to deliver a true account thereof to the ſurveyor, which oath every ſurveyor is hereby empowered and required to adminiſter, and every ſurvey ſhall be bounded by conditional or natural boundaries, or right lines running eaſt, weſt, north, and ſouth, and ſhall be an exact ſquare or oblong, or the length not exceeding double the width, unleſs where ſuch lines interfere with lands already granted or ſurveyed, or unleſs where the ſurvey ſhall be made on any navigable water, in which laſt caſe the water ſhall form one ſide of the ſurvey, and no ſurvey ſhall exceed ſix hundred and forty acres; and it ſhall be the duty of each ſurveyor in this ſtate to enter in a well bound book kept by him for that purpoſe, a draft of the plat and every thing thereunto appertaining within twenty days after the ſurvey is made.

Sec. 8. *Be it enacted*, That the ſecretary of ſtate ſhall make out grants for all ſurveys returned to his office, which grants ſhall be ſigned by the governor and counterſigned by the ſecretary, and recorded in his office, ready to be delivered to the parties to whom the ſame ſhall be made within three months from and after the return of the ſurveyor of the works to his office; and every perſon obtaining a grant for land, ſhall within twelve months after ſuch grant ſhall be perfected as aforeſaid, cauſe the ſame to be regiſtered in the regiſter's office of the county where the land ſhall be, otherwiſe ſuch grant ſhall be void.

Sec. 9. *Be it enacted*, That the ſeveral entry takers, ſurveyors, regiſters and ſecretary, ſhall be entitled to have and receive the fees hereafter particularly ſpecified and no more, that is to ſay, for the entry taker for all ſervices the ſum of fifty cents; for the ſurveyor for three hundred acres or a leſs quantity two dollars, and twenty five cents for each hundred acres over; to the ſecretary for making out the grant and recording the ſame, and for the ſeal of the ſtate, one dollar and fifty cents; to the regiſter for regiſtering the grant fifty cents.

Sec. 10. *Be it enacted*, That every entry taker ſhall on or before the firſt Monday in September, in each and every year, pay into the public treaſury all ſuch monies as he ſhall receive for entries; and in conſideration of the ſaid ſervice and the riſk of ſuch monies, and for carrying the grants from the ſecretary's office to his county, and delivering the ſame when called for, to the perſons to whom they ſhall be made, which he is hereby required to do, it ſhall and may be lawful for him to retain four per cent.

Sec. 11. *Be it enacted*, That every entry taker and ſurveyor, before entering upon the execution of their reſpective offices, ſhall take and ſubſcribe in open court the oath preſcriced for the qualification of officers, and alſo an oath that they will well and impartially diſcharge the ſeveral duties of their reſpective offices, and ſhall enter into bond with ſufficient ſecurity, to be approved by the county court, in the ſum of ten thouſand dollars, to the governor for the time being, and his ſucceſſors in office, for the faithful diſcharge of their reſpective duties, which bond, upon a breach of the condition thereof, ſhall be aſſigned by the governor to the party or parties injured, who ſhall and may maintain an action or actions thereon, in his, her, or their own name or names, and ſhall not become void upon the firſt recovery, or if judgment be for the defendant, but may be put in ſuit from time to time, until the whole penalty ſhall be recovered.

Sec. 12. *Be it enacted*, That every entry taker and ſurveyor, who ſhall neglect or refuſe to perform the ſeveral duties by this act required, or ſhall knowingly ſuffer the proviſions and reſtrictions thereof to be eluded or evaded, or ſhall aſk, demand, or receive, directly or indirectly, any greater fees than are by this act made lawful, ſhall forfeit the ſum of five hundred dollars, to be recovered by action of debt, bill, or plaint, and ſhall forfeit all right to office.

Sec. 13. *Be it enacted*, That any perſon who hath poſſeſſed and actually improved any vacant or unappropriated lands, for which no juſt claim ſhall have been made, ſhall be entitled in preference to all others, to enter and obtain a grant or grants for the ſame, ſo that ſuch entry or entries be made on or before the firſt Monday in March, in the year one thouſand eight hundred: Provided, that no ſuch grant ſhall contain more than ſix hundred and forty acres, but ſubject, nevertheleſs, to the payment of twenty five dollars for every hundred acres, and ſo in proportion for a greater or leſs quantity.

Sec. 14. *Be it enacted*, That the entry taker's office, for the reception of all entries for lands as before deſcribed, ſhall be opened for that purpoſe on the firſt Monday in January, one thouſand eight hundred, and continue until altered by the legiſlature of this ſtate; and if any perſon or perſons entering any lands as by this act directed, ſhall neglect or fail to pay the purchaſe money, to wit: twenty five dollars for every hundred acres, into the entry taker's office, within twelve months from and after the making thereof, ſuch entry or entries ſhall be void and of no effect.

JAMES STUART, S. H. R.

WILLIAM BLOUNT,
Speaker of the Senate.

A Copy, Teſt.
Wm. MACLIN, Sec'ry.

A C T S

PASSED AT THE FIRST SESSION OF THE THIRD GENERAL
ASSEMBLY OF THE STATE OF TENNESSEE,

BEGUN AND HELD AT KNOXVILLE ON MONDAY, THE
SIXTEENTH DAY OF SEPTEMBER, ONE THOUSAND
SEVEN HUNDRED AND NINETY NINE.

CHAPTER I.

An ACT *encreaſing the juriſdiction of juſtices of the peace and regulating proceedings therein*—(PASSED OCTOBER 23, 1799,)

Section 1 BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That a ſingle juſtice of the peace, ſhall, from and after the paſſing of this act, have juriſdiction of all debts, dues, and demands of fifty dollars and under, where the balance becomes due on any ſpecialty, contract, note, or agreement, or for goods, wares, and merchandize ſold and delivered, or for work and labor done, all which matters and things are hereby declared cognizable and returnable before any one juſtice of the peace out of court, and judgment may be given, and execution awarded accordingly, as directed by an act, entitled, "An act for eſtabliſhing courts of law, and regulating proceedings therein," ſubject nevertheleſs, to appeal of either party, to be tried in court by a jury of good and lawful men, as in other caſes, the firſt court, and the determination thereon ſhall be final: Provided always, that judgment given by a juſtice of the peace, execution ſhall be ſtayed in the following manner, viz—For all ſums under five dollars, twenty days.—For all ſums over five dollars, and not exceeding ten dollars, forty days.—For all ſums over ten dollars and not exceeding twenty dollars, eighty days. For all ſums over twenty dollars, and not exceeding fifty dollars, ſix months; for the full and true performance of which, with coſts and intereſt until paid, the party requiring ſuch ſtay of execution, ſhall give ſufficient ſecurity, if required by the adverſe party; and if the judgment ſhall not be diſcharged at the time to which the execution may have been ſtayed, then it ſhall and may be lawful for any juſtice of the peace of the county to iſſue execution in the uſual form, againſt the principal and his ſecurities.

Sec 2 *Be it enacted,* That in all caſes where the ſum is upwards of ten dollars, the ſum ſhould, and is required to be put in the warrant.

Sec 3. *Be it enacted.* That in all caſes where any conſtable ſhall serve a warrant on any perſon for a demand of ten dollars and upwards, he ſhall take bond, with ſufficient ſecurity, for his appearance before ſome magiſtrate, to have the ſame tried, and for a compliance with the judgment in double the amount, at leaſt, of the ſum ſet forth in the warrant; and in caſe any ſuch perſon ſo bound, ſhall fail to comply with ſuch judgment when given, the conſtable ſhall make an aſſignment of ſuch bond to the party injured, who ſhall proceed thereon as in caſes of bail bonds given in ſuits commenced in courts of law, any law, uſage or cuſtom to the contrary notwithſtanding.

CHAP. II.

An ACT *reducing the limits of Sumner county, and eſtabliſhing two new counties and repealing an act paſſed October the ſecond 1797, reſpecting commiſſioners for purchaſing lands laying out a town, and erecting a court houſe, priſon and ſtocks in the ſaid county, and appointing other commiſſioners for that purpoſe* —(PASSED OCTOBER 26, 1799.)

BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the county of Sumner ſhall be reduced to conſtitutional limits, viz. ſix hundred and twenty five ſquare miles, excluſive of ſuch part of Cumberland river as ſhall be contained therein, and ſhall be bounded on the weſt by a line beginning upon the ſouth bank of the ſaid river, at low water mark, immediately oppoſite the mouth of Manſker's creek, thence directly acroſs the river to the mouth of ſaid creek, and up the ſame with the line of the county of Davidſon, to the line of the county of Robertſon, and with that line to the northern boundary of the ſtate; on the ſouth by the ſouth bank of ſaid river Cumberland, according to its meanders; on the north by the northern boundary of the ſtate; and on the eaſt by a north and ſouth line, extended from the northern boundary of the ſtate, to the ſaid ſouth bank of the river Cumberland.

And be it enacted, That Wallace Harris and Edward Guinn are hereby appointed with power to both or either, to aſcertain by actual ſurvey, the eaſtern boundary of the ſaid county, from the northern boundary of the ſtate to the ſouth bank of Cumberland river, and mark it; alſo to extend and mark a north and ſouth line thro' the ſaid county, from the ſaid northern boundary to Cumberland river, ſo as to leave as near as may be one moiety of the ſaid county to the weſt, and the other moiety to the eaſt of ſaid line, for which ſervice they ſhall be paid by the county, each two dollars per day, and each chain carrier and marker by them employed, one dollar per day.

And be it enacted, That a new county be eſtabliſhed by the name of Smith, to be contained within the following deſcribed bounds: beginning upon the ſouth bank of Cumberland river, at the ſouth end of the eaſtern boundary of Sumner county, thence north with the ſaid eaſtern boundary, to the northern boundary of the ſtate, and with the ſaid boundary, eaſt to where it is interſected by the Cherokee boundary, run and marked agreeably to the treaty of Holſton, thence with that boundary to the Cany Fork of Cumberland river, thence with ſaid fork, according to its meanders, to the mouth thereof, thence down the ſouth bank of Cumberland river, according to its meanders, to the beginning.

And be it enacted, That another new county be eſtabliſhed, by the name of Wilſon, to be contained within the following deſcribed bounds: beginning upon the ſouth bank of the river Cumberland, at low water mark, at the mouth of Drake's lick branch, the north eaſt corner of Davidſon county, thence with the line of Davidſon county, to the Cherokee boundary, as run and marked agreeably to the treaty of Holſton, and with the ſaid boundary to the Cany Fork, and down the Cany Fork, according to its meanders, to the mouth thereof, thence down the meanders of Cumberland river, by the ſouth bank, to the beginning.

And be it enacted, That an act, entitled, "An act to repeal an act, entitled, an act appointing commiſſioners and truſtees, the former to fix on a place in the county of Sumner, and the latter to purchaſe lands, and a court houſe priſon and ſtocks, and eſtabliſh a town thereon."

paſſed at Knoxville in the year 1796, and for other purpoſes therein mentioned, be, and the ſame is hereby repealed.

And be it enacted, That David Shelby, David Beard, ſen. James Crier, Edward Guinn, and Capt. James Wilſon, ſon of John Wilſon, be, and are hereby appointed commiſſioners, who, or a majority of them, ſhall have full power and authority to purchaſe ſixty acres of land, ſituate within one mile and an half of the north and ſouth line, dividing, as before directed, the ſaid county into two moieties, on ſome part of which ſhall be erected the court houſe, priſon and ſtocks of the ſaid county, on the beſt terms on which it can be obtained, and to take a deed or deeds of conveyance for the ſame, in their own names as commiſſioners, in truſt for the county, which ſhall be good and valid in law, and ſhall veſt in them and their ſucceſſors in office, a complete title for the uſes in this act expreſſed, And the ſaid commiſſioners ſhall, by a majority, have full power to elect any ſuitable perſon or perſons to fill any vacancies that may happen in their own body, by death, reſignation, or otherwiſe.

Be it enacted, That the ſaid commiſſioners, or a majority of them, ſhall as ſoon as may be, after purchaſing and obtaining a title to ſixty acres of land as aforeſaid, cauſe a town to be laid off thereon, to be called and known by the name of Rutherford, for county purpoſes, reſerving two acres near the centre thereof, on which ſhall be erected the court houſe, priſon, and ſtocks of the ſaid county, which two acres in the plan of the ſaid town ſhall be denominated the public ſquare.

Be it enacted, That the ſaid commiſſioners be, and they are hereby authoriſed to ſell the lots of the ſaid town at public ſale at a credit of ſix months, giving thirty days previous notice of ſuch ſale, by advertiſement, at four or more of the moſt public places in the ſaid county, taking bond with ſufficient ſecurity for the payment of the purchaſe money to themſelves and their ſucceſſors in office. And the ſaid commiſſioners or a majority of them, are hereby authoriſed to execute in due form of law, deeds of conveyance in fee ſimple for the ſame, to the purchaſers which ſhall be good & valid in law to all intents and purpoſes.

Be it enacted, That the money ariſing from the ſales of the aforeſaid lots, ſhall by the ſaid commiſſioners be applied to the building of the court houſe, priſon and ſtocks; and they are authoriſed to contract with a ſuitable perſon or perſons to erect the ſame: and the court houſe to contain convenient rooms for the juries, and the priſon to conſiſt of two rooms at leaſt.

Be it enacted, That the monies already appropriated by the county of Sumner, for the purpoſes aforeſaid, ſhall be paid into the hands of the ſaid commiſſioners, and be by them, or a majority of them, applied in paying for the lands purchaſed; and the overplus ſhall be an additional fund to that ariſing from the ſale of the lots, to defray the expences of erecting and completing the court houſe, priſon and ſtocks

Be it enacted, That the ſaid commiſſioners ſhall keep a fair and regular account of all monies by them received and expended, which ſhall be laid before the court of the ſaid county when demanded; and if the monies already appropriated, ſhall not be ſufficient to defray the expences of the ſixty acres of land, and erecting of the court houſe, priſon and ſtocks, the court ſhall have full power, by a county tax, to make up the deficiency: Provided, that two thirds of the acting juſtices be pre-that when the taxes are laid; and provided alſo, that the ſaid tax ſhall not exceed ſix and a fourth cents on every white poll, between the age of twenty one and fifty years; a tax not exceeding twelve and an half cents on every black poll between the age of twelve and fifty years; a tax not exceeding one dollar on each ſtud horſe kept for the purpoſe of covering mares, and a tax not exceeding ſix and a fourth cents on each hundred acres of land in any one year, which ſhall be collected in the ſame manner, and by the ſame perſons as public taxes are; and the monies ariſing from the ſaid taxes ſhall be paid by the collector thereof, firſt deducting the ſame per cent. for collection as is by law allowed for the collection of public taxes into the hands of the aforeſaid commiſſioners, or a majority of them, to be applied to the purpoſes aforeſaid.

Be it enacted, That the aforeſaid commiſſioners ſhall give bond with ſufficient ſecurity, in the ſum of five thouſand dollars, payable to the chairman of the court of ſaid county, and his ſucceſſors in office, conditioned for the faithful performance of the duties enjoined on them by this act.

Be it enacted, That the ſaid commiſſioners, when the buildings are completed, ſhall lay before the court of the ſaid county, a fair and juſt ſtatement of the coſts and expences of the ſaid purchaſe and buildings, together with their receipts, and ſhall be allowed a reaſonable compenſation for their ſervices by the ſaid court: Provided that two thirds of the acting juſtices of ſaid county be preſent when ſuch allowance is made.

Be it enacted, That it ſhall and may be lawful for the ſheriff of Sumner county to collect the taxes for the year 1799, and all arrearages of taxes for every and any preceding year, in the ſame manner, and with as full authority, as if this act had not been paſſed; and Sumner county ſhall be liable to the payment of every demand that any of the citizens of Wilſon or Smith counties, heretofore a part of the ſaid county, may legally have for ſervices rendered the ſaid county, in the ſame manner as if this act had never been paſſed.

Be it enacted, That courts of pleas and quarter ſeſſions ſhall be held in the county of Smith and the county of Wilſon, with the ſame power and authority of the courts of pleas and quarter ſeſſions of the counties heretofore by law eſtabliſhed. The courts of the county of Smith ſhall commence on the third Mondays of the months of December, March, June, and September; and the courts of the county of Wilſon ſhall commence on the fourth Mondays of the months of December, March, June, and September, with authority to continue by adjournment from day to day until the ſucceeding Saturday incluſive.

And be it enacted, That the firſt court for the county of Wilſon ſhall be held at the houſe of Captain John Harpole, and after at ſuch place as the court ſhall adjourn to; and for the county of Smith, at the houſe of Major Tilman Dixon, and after at ſuch place as the court ſhall adjourn to.

And be it enacted, That all elections of members of the general aſſembly, the governor and member of congreſs, ſhall be held at the court houſes of the counties of Smith and Wilſon, on the days on which elections for ſuch purpoſes are authoriſed to be held; and the ſheriffs of thoſe counties ſhall meet the ſheriff of Sumner county, at the court-houſe of ſaid county, on the ſucceeding Monday, and with him examine the reſpective polls of election for the three counties, heretofore the county of Sumner, and declare the perſons duly elected members to the general aſſembly, and give certificates accordingly to the perſons duly elected; and it ſhall be the duty of the ſaid ſheriff to tranſmit a ſtatement of the poll of election for governor and member of congreſs to the ſpeaker of the ſenate, in the ſame manner as directed by law as the duty of ſheriffs of counties heretofore eſtabliſhed.

Be it enacted, That it ſhall be the duty of the ſheriffs of the counties of Wilſon and Smith, each to hold an election at the place of holding court in their reſpective counties, on the firſt Thurſday and the ſucceeding day of February next, for the purpoſe of electing one colonel and two majors for their reſpective counties, under the ſame rules, regulations and reſtrictions as preſcribed by law for the election of ſuch officers.

Be it enacted, That the elections for company officers for the counties of Smith and Wilſon, ſhall be held at their reſpective company muſter grounds, on the third Thurſday in February next, in the ſame manner and form as appointed by law for electing company militia officers

Be it enacted, That the counties of Smith and Wilſon ſhall be in all caſes whatſoever, conſidered as a part of the diſtrict of Mero.

CHAP. III.

An ACT *to divide the county of Davidſon into two diſtinct counties.*

(PASSED OCTOBER 26, 1799)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the county of Davidſon be divided by a line as follows: Beginning at a point forty poles due north of the dwelling-houſe of Thomas MC'rory, on the waters of Little Harpeth, running thence eaſt two miles and one hundred and four poles, thence ſouth ſeventy degrees eaſt, ſixteen miles and two hundred and ſeventy poles, thence due ſouth to the Indian boundary line, thence with ſaid line weſtwardly to the Robertſon county line, thence with ſaid Robertſon county line, north to a point due weſt from the mouth of Little Harpeth, thence a direct line to a point on South Harpeth, ſouth weſt from the mouth of ſaid Little Harpeth, thence north eaſt to the mouth of ſaid Little Harpeth, thence a direct line to the beginning; and that county, ſo laid off on the ſouth, be known and diſtinguiſhed by the name of Williamſon.

Sec. 2. Be *it enacted*, That John Johnſon, ſen. Daniel Perkins, Jas. Buford, William Edmonſon, and capt. James Scurlock, be commiſſioners; and they or a majority of them are hereby authoriſed to fix on a place the moſt central and convenient in ſaid county of Williamſon, for the purpoſe of erecting a court houſe, priſon and ſtocks.

Sec. 3. *Be it enacted*, That the aforeſaid commiſſioners are hereby authoriſed and required as ſoon as may be, after agreeing on the place on which the court houſe, priſon and ſtocks are to be erected in ſaid county of Williamſon, to agree and contract with ſuitable workmen for erecting and building the ſame for the benefit of ſaid county

Sec. 4 *Be it enacted*, That the court of ſaid county ſhall have power to lay a tax not exceeding twelve and a half cents on each hundred acres of land, nor twenty five cents on each town lot or ſlave, between the age of twelve and fifty years, nor twelve and a half cents on each free poll between the age of twenty one and fifty years, nor one dollar on each ſtud horſe kept for covering mares, to be collected in ſaid county of Williamſon for two years by the ſheriff or collector of the ſame, to be accounted for and paid to the ſaid commiſſioners, at the ſame time in the ſame manner and under the like penalties and reſtrictions as are or may be directed for collecting, accounting for and paying public taxes; which ſaid monies hence ariſing are to be appropriated for carrying this act into effect.

Sec. 5. *Be it enacted*, That before the commiſſioners ſhall take into their hands any of the monies which may be collected in purſuance of this act, they ſhall each of them jointly enter into bond in the ſum of two thouſand dollars, payable to the governor or commander in chief for the time being, and his ſucceſſors in office, conditioned for the faithful diſcharge of the truſt repoſed in them.

Sec. 6. *Be it enacted*, For the due adminiſtration of juſtice, that the court of ſaid county of Williamſon ſhall be held by the juſtices of ſaid county on the firſt Monday in February, May, Auguſt and November; and the juſtices of ſaid county are hereby authoriſed and empowered to hold the firſt court for the ſame at the town of Franklin; and all ſubſequent courts for ſaid county on the days above mentioned for holding courts therein, at any place to which the ſaid juſtices ſhall from court to court adjourn, until a court houſe ſhall be built for ſaid county of Williamſon, and then all cauſes matters and things depending in ſaid court, and all manner of proceſs returnable to the ſame, ſhall be adjourned to ſuch court houſe. And all courts held in and for ſaid county ſhall be held by commiſſion to ſaid juſtices in the ſame manner and under the ſame rules and reſtrictions, and ſhall have and exerciſe the ſame power and juriſdiction as are or ſhall be preſcribed for the courts for the ſeveral counties in this ſtate.

Sec. 7. *Be it enacted*, That the ſaid county of Williamſon be, and it is hereby declared a part of the diſtrict of Mero, in the ſame manner and for all purpoſes civil and military as it did previous to a diviſion: *Provided*, That nothing herein contained ſhall be ſo conſtrued as to prevent the ſheriff or collector of the taxes of Davidſon county from collecting the ſame within the limits of the ſaid county of Williamſon, which are at this time due, in the ſame manner as if this act had not been paſſed.

Sec. 8. *Be it enacted*, That Henry Rutherford & John Davis be commiſſioners, and they are hereby authoriſed to run the dividing line between the aforeſaid counties, where they are not already run or particularly pointed out by natural boundaries, for which ſervices each of the commiſſioners ſhall be allowed the ſum of two dollars per day, and the chain carriers and markers each one dollar per day, which expences are to be equally paid by both counties.

Sec. 9. *Be it enacted*, That ſaid county of Williamſon be a part of the diſtrict for electing a governor, repreſentative or repreſentatives to congreſs, and ſenators and repreſentatives in the general aſſembly to which it has hitherto belonged, and that the elections be held at the place of holding courts in ſaid county at the time and in the manner by law directed, and that the ſheriff or returning officer make a return of the polls at the court houſe in Naſhville, on the day next ſucceeding each election, to the ſheriff or proper returning officer for the county of Davidſon.

Sec. 10. And whereas there are debts remaining due from the county of Davidſon, *Be it therefore enacted*, That nothing herein contained ſhall ſo operate as to exonerate ſaid county of Williamſon from payment of a part of ſaid debts, to be apportioned between the two counties agreeable to the amount of taxable property and polls in each, which ſhall remain liable in the ſame manner as if this act had not been paſſed.

Sec. 11. And in order to have all accounts liquidated, and prevent future diſputes between ſaid counties: *Be it enacted,* That the ſecond courts which ſhall hereafter ſit in each county, ſhall each appoint a commiſſioner, which ſaid commiſſioners ſhall be veſted with full power, and it ſhall be their duty to ſettle ſaid accounts and apportion them between ſaid counties; and that all claims againſt ſaid county of Davidſon be preſented properly authenticated, to ſaid commiſſioners, on or before the firſt day of January, 1801, or the payment thereof be ever after barred; and for the ſervices herein mentioned, ſaid commiſſioners ſhall be allowed two dollars per day, to be paid out of the monies belonging to ſaid counties.

Sec. 12. *Be it enacted,* That the juſtices of the ſaid county of Williamſon are hereby authoriſed and empowered, at the ſecond court to be held for ſaid county, in each and every year, to lay a tax on the taxable property and polls within ſaid county, for the purpoſe of carrying into effect the true intent and meaning of the tenth and eleventh ſections of this act.

CHAP. IV.

An ACT *to authoriſe the ſeveral county courts to exempt perſons rendered incapable of labor from the payment of taxes* —(PASSED OCT 23. 1799.)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That whenever any perſon ſhall be rendered incapable of labor, the court of the county whereof ſuch perſon ſhall be an inhabitant, upon ſufficient teſtimony thereof produced before them ſhall have power to exempt ſuch perſon or perſons from the payment of any poll tax on himſelf, and cauſe the ſame to be entered of record by the clerk of ſaid court.

Sec 2 *Be it enacted,* That when any perſon ſhall wiſh to be exempted from the payment of taxes as by this act directed, it ſhall be the duty of the ſeveral county courts reſpectively, at the firſt ſeſſion in each year, to hear and determine all caſes that may come before them, and there ſhall be at leaſt ten or a majority of the acting juſtices of ſaid county preſent when ſuch application and determination ſhall be made.

CHAP V

An ACT *to eſtabliſh the town of Elizabethton, in the county of Carter and for making valid certain deeds therein mentioned* —(PASSED OCT. 23, 1799)

WHEREAS by an act, entitled, 'An act to divide the county of Waſhington into two ſeparate and diſtinct counties," and commiſſioners were appointed to fix on and lay out a place the moſt ſuitable and convenient in ſaid county for the purpoſe of erecting a court houſe priſon and ſtocks: And whereas the ſaid commiſſioners hath fixen on a place as aforeſaid, and Samuel Tipton having obligated himſelf to the ſaid commiſſioners to appropriate fifty acres of land at the place aforeſaid for the purpoſe of laying out the town aforeſaid, and having conveyed to the ſaid commiſſioners ſeveral lots for the purpoſe of erecting the aforeſaid court houſe, priſon and ſtocks, and a houſe of divine worſhop, the ſaid commiſſioners having laid out the ſaid fifty acres of land into a town, at the expence of the county aforeſaid, by the name of Elizabethton :

Sec. 1. *Be it enacted by the General Aſſembly of the State of Tenneſſee,* That the aforeſaid fifty acres of land ſhall continue to be a town, agreeably to the plan of ſaid commiſſioners, filed in the clerk's office of ſaid county of Carter by the name of Elizabethton ; and that the deeds of conveyance made from Samuel Tipton to the ſaid commiſſioners for the lots aforeſaid, ſhall be good and valid in law and equity, to them and their ſucceſſors in office, for the purpoſes for which the ſaid Samuel Tipton hath conveyed the ſame.

Sec. 2. *Be it enacted,* That Landon Carter, Andrew Greer, David M'Nabb, Zachariah Campbell, Reuben Thornton, Rowland Jenkins, William Cunningham, and Samuel Tipton, be appointed commiſſioners for the ſaid town of Elizabethton, with full power to eſtabliſh the neceſſary regulations for its government.

CHAP. VI.

AN ACT *to authorize the county court of Waſhington, to lay an additional county tax, for certain purpoſes therein mentioned.*—(PASSED OCTOBER 23. 1799)

WHEREAS the court houſe, priſon and ſtocks for the county and diſtrict of Waſhington are incomplete, and certain ſums of money due for building the ſame:

BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the county court of Waſhington be, and is hereby empowered to lay an additional county tax, for the year 1800 and 1801, not exceeding twelve and a half cents on each white poll, nor twenty five cents on each black poll, nor twelve and a half cents on each hundred acres of land, nor ten dollars on each billiard table, nor one dollar on each ſtud horſe, known to be kept for the covering of mares, nor twenty five cents on each town lot, to be collected by the ſheriff, and accounted for and paid into the hands of the commiſſioners appointed for the regulation of the town of Joneſboro', in the diſtrict of Waſhington, for the purpoſe of diſcharging the arrearages due, and completing the aforeſaid buildings:

CHAP. VII.

AN ACT *for the better accounting for county tax.* (PASSED OCT. 23, 1799.)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſe,* That if any collector of county tax ſhall neglect or refuſe to pay unto the county treaſurer the amount of the tax he is charged with the collection of, againſt the firſt day of January next ſucceeding the time of levying the tax, as well thoſe now due as thoſe to become due, it ſhall be the duty of the county treaſurer, and he is hereby required and authoriſed, to enter up judgment againſt ſuch delinquent and his ſecurities, for the balance that may be due by ſaid collector, in the county court to which they belong; which judgment is hereby declared good and valid in law; and execution ſhall iſſue thereon as if ſaid collector and ſecurities had been proſecuted to judgment in the uſual way : Provided always, ſuch collector ſhall have credit for all ſuch deficiencies of payment in his collection as ſhall be certified by the court.

Sec. 2. *Be it enacted,* That it ſhall be the duty of the commiſſioners appointed by court to ſettle with the county collectors, alſo to ſettle yearly with the county treaſurers, and make a report of the ſtate of the treaſury of their county to have the ſame power to call on the clerk of the court, and others, for papers and information, and to publiſh the reſult in the ſame manner as required by law, to do in ſettlement with collectors, and for which the ſaid commiſſioners ſhall be allowed by the court, as for their other ſervices.

Sec. 3. *Be it enacted*, That if it ſhall appear that the county treaſurer or treaſurers have failed, or ſhall fail, at any time, to pay the public monies in his or their hands, to thoſe authoriſed to apply for and receive the ſame, always giving preference to the oldeſt order or claim, or hath neglected, or ſhall neglect in any caſe, to call to account as by this act directed, any delinquent therein deſcribed, by which the county revenue may ſuffer loſs, then and in ſuch caſe the treaſurer or treaſurers ſhall be accountable for the ſums due by ſuch delinquents, to all intents and purpoſes as if the ſame had been paid into his or their hands.

CHAP. VIII.

AN ACT *to ſuppreſs exceſſive gaming*.—(PASSED OCTOBER 26, 1799.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That from and after the firſt day of May next, every promiſe, agreement, note, bill, bond, or other contract, to pay, deliver, or ſecure money or other thing won or obtained by playing at cards, dice, billiards, horſe racing, or any other ſpecies of gaming whatſoever, or by wagering or betting on either of the parties, who ſhall play at ſuch games, or run ſuch races, or to repay or ſecure money or other thing lent or advanced for that purpoſe, or lent or advanced at the time of ſuch gaming, playing, betting, laying, or adventuring, ſhall be void, and every conveyance or leaſe of land, tenement and hereditamets ſold, demiſed or mortgaged, and every ſale, mortgage or other transfer of ſlaves, or other perſonal eſtate, to any perſon, or for his uſe to ſatiſfy or ſecure money ſo won, lent or advanced, on due proof thereof made before any juriſdiction having cognizance thereof, ſhall be and the ſame is hereby declared void.

Sec. 2 *Be it enacted* That if any perſon or perſons, after the firſt day of May next, ſhall encourage or promote any match or matches or ſhall play in any match or matches at cards, dice, billiards or any other game of hazard or addreſs, for money or other valuable thing, every ſuch perſon ſo offending, ſhall upon conviction thereof, before any juſtice of the peace of the county wherein ſuch offence ſhall have been committed, forfeit and pay the ſum of five dollars for every ſuch offence; and if any perſon or perſons ſhall enter, ſtart or run any horſe, mare or gelding for any plate, prize, wager, bet, ſum of money or other valuable thing, every ſuch perſon ſo offending, ſhall upon conviction thereof as aforeſaid, forfeit and pay the ſum of twenty dollars for every ſuch offence.

Sec. 3. And whereas games of addreſs, hazard, horſe racing, and all other kinds of gaming are frequently promoted and held at or near to taverns, or other public houſes, as well licenced as tipling houſes, and the houſes of perſons who retail ſpirituous liquors or other ſtrong drinks: *Therefore be it enacted*, That if any tavern keeper, public houſe keeper, keeper of a tipling houſe, or other retailer of wine, ſpiritous, or other ſtrong drink, ſhall incite, promote, or encourage any games of addreſs, hazard, horſe racing or any other gaming whatſoever, whereat any money or other valuable thing ſhall be betted, ſtaked, ſtriven for, won or loſt, or ſhall knowingly furniſh any wine, ſpiritous or other ſtrong drink, to any of the perſons who ſhall be attending upon any game of addreſs, hazard, horſe racing or any other gaming whatſoever. who ſhall be legally thereof convicted before any juſtice of the peace as aforeſaid, ſhall forfeit and pay for every ſuch offence the ſum of ten dollars; and if ſuch convict be a licenced public houſe keeper, or retailer of wine, ſpiritous or other ſtrong drink, the licence of ſuch perſon ſhall be thereupon null and void, and ſuch offender ſhall be incapable of being again licenced in like manner for one year thereafter: *Provided always*, that where any ſuch licenced public houſe keeper or retailer as aforeſaid, who ſhall be convicted as aforeſaid, before any one juſtice or juſtices, ſhall think him or herſelf aggrieved by ſuch conviction, it ſhall and may be lawful for ſuch licenced public houſe keeper or retailer, to appeal to the next county court wherein ſuch offence was committed (and not after), which ſaid court ſhall proceed thereupon as in all other appeals from juſtices of the peace.

Sec. 4. *Be it enacted*, That if any perſon or perſons ſhall loſe any money or other valuable thing, at or upon any game of addreſs or of hazard, or on horſe racing, or on any other play or game whatever, and ſhall pay or deliver the ſame or any part thereof, the perſon or perſons ſo loſing and paying or delivering the ſame, ſhall have a right within ninety days then next or thereafter to ſue for and recover the money or goods ſo loſt and paid or delivered, or any part thereof, from the reſpective winner or winners thereof, with coſts of ſuit, by action of debt or caſe, for the value of the money or thing ſo loſt, founded on this act, to be proſecuted in any court of record having cognizance thereof, or before any juſtice of the peace, if the ſum ſo won is under twenty dollars, ſubject nevertheleſs, to an appeal as in all other caſes; and in which action it ſhall be ſufficient for the plaintiff or plaintiffs to alledge that the defendant or defendants is or are indebted to him, her or them, or hath or have received to his her or their uſe, the money ſo loſt and paid, or converted the goods ſo won of him, her or them, to the uſe of the defendant or defendants, whereby the action of the plaintiff or plaintiffs accrued to him, her or them, according to the form of this act.

Sec. 5 *Be it enacted*, That any perſon inſtituting a ſuit before any juſtice of the peace, or in any court of record within this ſtate, for the recovery of money won, lent or advanced at any ſpecies of gaming whatſoever, on due proof being made thereof, ſhall forfeit and pay the ſum of one hundred dollars, recoverable in any court having cognizance thereof; one half to him who will ſue for the ſame, the other half to the county wherein ſuch cauſe ſhall originate.

Sec. 6. *Be it enacted*, That every act or parts of acts, coming within the purview and meaning of this act, is hereby repealed and declared void.

CHAP. IX.

AN ACT *to prevent the wilful and malicious killing of ſlaves.*

(PASSED OCT 23 1799.)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That if any perſon or perſons ſhall willfully or maliciouſly with malice aforethought, kill any negro or mulatto ſlave whatſoever, on due and legal conviction thereof, in any ſuperior court of the ditrict wherein ſuch offence ſhall have been committed, be deemed guilty of murder, as if ſuch perſon ſo killed, had been a free man, and ſhall ſuffer death without benefit of clergy, any law, uſage or cuſtom to the contrary notwithſtanding.

Sec. 2. *Be it enacted*, That if the ſlave ſo killed ſhall be the property of another and not of the offender, his goods, chattels, lands and tenements, on conviction thereof, ſhall be liable to the payment of the value of ſuch ſlave ſo killed, to be aſſeſſed by a jury of the county wherein ſuch ſlave ſhall have been killed. *Provided always*, That this act ſhall not extend to any perſon killing any ſlave outlawed by virtue of an act of the general aſſembly of this ſtate, or to any ſlave in the act of reſiſtance to his lawful owner or maſter, or to any ſlave dying under moderate correction.

CHAP. X.

AN ACT *reſpecting the road as ſtipulated for by the treaty of Holſton.*

(PASSED OCTOBER 26, 1799)

WHEREAS by the the treaty of Holſton made and entered into on the ſecond day of July, 1791, between the United States and the Cherokees, by the fifth article thereof, it is ſtipulated and agreed, that the citizens and inhabitants of the United States ſhall have the free and unmoleſted uſe of a road from Waſhington diſtrict to Mero diſtrict, whereby a power became veſted in the United States to mark out and open a road for the uſe and benefit of their citizens, through the lands claimed by the Cherokees, the leveleſt and moſt direct way, having regard to the moſt convenient paſſage of mountains and fords of rivers: And whereas the road at preſent in uſe through the Cherokee country was not opened or marked by the authority of the United States, but came into uſe by one traveller firſt picking out a way for himſelf thro' the wilderneſs and others following his track: And whereas the ſaid road is neither the moſt direct nor the moſt level, nor free and unmoleſted to the citizens of the United States, inaſmuch as one of the contracting parties, the Cherokees, exact and receive to their uſe a toll upon all travellers croſſing the river Clinch, which forms a part of the ſaid road, in violation of the ſtipulation of the ſaid article: And whereas this general aſſembly cannot doubt but the United States will, in this particular, as well as all others, cauſe their treaties to be executed in good faith to the benefit of their citizens, when the particular circumſtances as above recited ſhall be made known: Now, to the end that the violation and the non execution of the ſaid article may be made known, and the execution thereof enſured:

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That it ſhall be the duty of the governor to lay before the preſident of the United States, thro' the ſenators and repreſentative of this ſtate in Congreſs, a copy of this act, and requeſt him to appoint perſons well acquainted with the country claimed by the Cherokees, ſeparating the diſtricts of Waſhington and Mero, to mark out the road ſtipulated for, by the ſaid fifth article of the treaty of Holſton, the leveleſt way thro' the ſaid country, paying as much regard to diſtance as ſhall accord with the conveniency of paſſing the water courſes at fords, and the mountains at the gaps moſt eaſy of aſcent.

Sec. 2. *Be it enacted*, That ſo ſoon as the Preſident of the United States ſhall have cauſed the ſaid road, as ſtipulated for by the fifth article of the treaty of Holſton, to be ſo marked out, that William Walton, William Martin, both of Smith county, and Robert Koyle, of Hawkins county, be, and are hereby appointed commiſſioners, who, or a majority of them, are authoriſed to have the ſame cleared out at the coſt and expence of the ſtate; and having completed it fit for travelling, agreeably to the laws in force and uſe reſpecting roads generally in this ſtate, to cauſe to be collected a toll thereon, firſt for the purpoſe of repaying to the ſtate the ſum expended in clearing and completing it and after for the purpoſe of raiſing a fund for keeping it in repair, namely, upon every waggon, team and load, ſeventy five cents; upon a four wheeled carriage for the conveyance of people, and the people and horſes, one dollar and fifty cents; upon every chair, horſe and rider, ſeventy five cents; upon every man and horſe, twelve and one half cents; upon every ſlave between the age of twelve and fifty years, ſix and one fourth cents; upon every led or looſe horſe, ſix and one fourth cents; upon every cart, team and load, thirty ſeven and one half cents.

Sec. 3. *Be it enacted,* That the ſaid commiſſioners, or a majority of them, be authoriſed to draw upon the treaſurers, or either of them, for a ſum not exceeding one thouſand dollars, for the purpoſe aforeſaid, who are directed to pay their drafts, and take their bond for the ſum of two thouſand dollars, payable to the governor for the time being and his ſucceſſors in office, conditioned to be void on their faithfully accounting for ſaid monies, at the ſtated meeting of the general aſſembly next enſuing the paſſing of this act; and it ſhall be their duty to ſettle at each and every ſtated ſeſſion of the general aſſembly, until ſaid road ſhall be completed; and they ſhall then be allowed a reaſonable compenſation for their ſervices; and in caſe of death or refuſal to act of either of ſaid commiſſioners, the governor for the time being ſhall appoint another in the room of him ſo dead or refuſing to act, who ſhall have the ſame power and authority, and be under the ſame reſtrictions that he was in whoſe room and ſtead he was appointed, had or could have by virtue of this act.

CHAP. XI.

AN ACT *to amend the laws now in force, preſcribing the mode of making partition of lands.*—(PASSED OCTOBER 26, 1799.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That where any perſon or perſons now do, or hereafter ſhall hold any lands, tenements or hereditaments, in fee ſimple, or for a leſs eſtate, as tenant or tenants in common, or as joint tenants, or in coparcenary, or other undivided eſtate, and any one or more of ſuch tenant or tenants in common, joint tenant or tenant by coparcenary, or or otherwiſe, is deſirous of dividing and making partition of the ſame, ſo as to hold his or their ſhare therein divided and in ſeveralty, that ſuch perſon or perſons being ſo deſirous of making ſuch partition and diviſion, ſhall, previous to his or their preſenting a petition for that purpoſe to any court having juriſdiction thereof, advertiſe and publiſh ſuch his or their intention, three different times at leaſt, in ſome one of the news papers printed within this ſtate, or ſhall cauſe to be ſerved on every perſon therein concerned, a notice in writing, at leaſt ten days previous to the time of preſenting ſuch petition, ſtating the time intended for preſenting it, and the court to which ſuch petition is to be preſented: And no petition ſhall be preſented for the purpoſe aforeſaid, until ſix months after ſuch publication, or in caſe of a ſervice of notice, ten day after ſuch ſervice.

Sec. 2. *Be it enacted*, That ſuch publication or notice ſhall be conſidered as ſufficient information to all perſons concerned in ſuch lands and tenements, as tenants in manner aforeſaid, and a partition made in conſequence thereof, ſhall be forever binding on all and every perſon or perſons who ſhall or may have claim or title to any ſuch lands or parts thereof, as tenant in common, joint tenant or tenant in coparcenary, or other undivided eſtate.

Sec. 3. *Be it enacted*, That all laws and parts of laws heretofore made, or in force within this ſtate, directing or appointing the mode of making partition or diviſion into ſeveralty of any undivided intereſt, in any eſtate real, in fee ſimple or otherwiſe, are hereby repealed and made void, except one law paſſed by the ſtate of North Carolina, in the year 1787, entitled, " An act authoriſing and empowering the county courts of pleas and quarter ſeſſions to divide and appropriate the real eſtates of inteſtates," and alſo, one other act paſſed by the ſtate of North Carolina, in the year 1789, entitled, " An act to amend and enlarge an act paſſed at Tarborough in the year 1787, entitled an act authoriſing and empowering the county court of pleas and quarter ſeſſions to divide and appropriate the real eſtate of inteſtates " which two laſt mentioned laws, are hereby declared to be in full force, except as herein altered or amended

---

CHAP XII.

An ACT *for the limitation of writs of error.*—(PASSED OCT. 26, 1799)

BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That no writ of error ſhall be granted or allowed, to reverſe any judgment or decree of any court in this ſtate, unleſs the ſame be ſued for within two years from the ratification of this act, or within two years next after the judgment or decree ſhall have been rendered or given as aforeſaid, any law to the contrary notwithſtanding. *Provided nevertheleſs*, that infants, feme coverts, perſons *non compos mentes*, impriſoned, beyond ſeas, or perſons in the military ſervice of the United States, may proſecute writs of error, ſo as the ſame be ſued for within two years next after their coming to full age, diſcoverture, ſound mind, at large, returned from beyond ſeas, or diſcharged from the military ſervice of the United States, in the ſame manner as perſons having no ſuch impediment might have done.

CHAP. XIII.

An ACT *to annex part of Montgomery county to Robertſon county.*— (PASSED OCT 23, 1799)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That from and after the paſſing of this act, the bounds of Robertſon county ſhall be as follows, viz. Beginning at the upper end of the firſt bluff above James M'Farland's on Red river, near to Allen's cabins, running from thence a direct courſe to the Sulphur Fork, one quarter of a mile below Elias Fort's, thence a direct courſe ſo as to leave the plantation whereon Col. James Ford lives, in Montgomery county, and the plantation whereon Maj. John Baker lives, in Robertſon county, and to ſtrike the road leading from Davidſon's ferry to Robertſon court houſe, one quarter of a mile eaſt of Capt. James Hollis's, thence a direct courſe to the mouth of Big Bruſh creek, which empties into Cumberland river near Col. John Hogan's, thence continuing the ſame courſe to the Indian boundary line, thence running eaſtwardly with ſaid Indian boundary line to Davidſon county line, thence north with ſaid Davidſon county line to the mouth of Sycamore creek, thence up ſaid Sycamore creek, with the Davidſon county line to the Sumner county line, thence with the extreme height of the ridge, eaſtwardly to the Kentucky road leading from Naſhville, thence northwardly with ſaid road to the Kentucky ſtate line, thence weſt with ſaid line to ſuch place as a ſouth eaſt courſe, leaving Joſeph French in the lower county, will ſtrike the beginning.

Sec. 2. *Be it enacted,* That nothing in this act contained, ſhall be ſo conſtrued as to prevent the ſheriff or collector of the ſtate taxes of the county of Montgomery from collecting the ſame within the limits of that part of Robertſon county which was taken from Montgomery, which are at this time in arrearages, in the ſame manner as if this act had not been paſſed; and the ſheriff, collector, or treaſurer, as the caſe may be, ſhall be bound to refund, when called on, all the monies they may have received, as county moneis, for the year 1799, unto thoſe citizens which live in that part of Montgomery county which is by this act annexed to Robertſon county.

Sec. 3. *Be it enacted,* That all laws and parts of laws, which comes within the purview and meaning of this act, ſhall be null and void, any thing to the contrary notwithſtanding.

CHAP XIV.

AN ACT *to amend the law now in force in this ſtate, for ſelling lands under execution* —(PASSED OCT. 26, 1799)

WHEREAS great injuries may ariſe, and inſecurity in land titles be produced from the preſent mode in uſe, of ſelling lands under execution, and ſuch ſales may be ſo ſecretly and clandeſtinely conducted, that real eſtates may be ſold without any regard to their value, and fair claimants may be defrauded out of their juſt rights by judgments and executions which have long laid dormant: For remedy whereof

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That in every ſale hereafter made of any lands or tenements, under any execution hereafter iſſued and levied, or to be iſſued and levied on ſuch ſuch land and tenements, where the defendant is in actual poſſeſſion and occupation of the land ſo executed, it ſhall be the duty of the ſheriff or coroner levying ſuch execution, to ſerve the defendant with written notice, ſtating that the ſaid execution is levied on the ſaid land, and mentioning the time and place appointed, or to be appointed, for the ſale thereof, at leaſt twenty days previous thereto; and in every caſe where the defendant or defendants in execution are not in actual poſſeſſion or occupation of ſuch land and tenements as ſhall be ſo executed, it ſhall be the duty of the ſheriff or coroner, to whoſe hands ſuch execution ſhall come, to advertiſe and publiſh, at leaſt three different times, in ſome newſpaper printed within this ſtate, the tract or tracts of lands and tenements on which he may have levied ſuch execution, the firſt of which publication ſhall be made at leaſt ſixty days previous to the ſale of ſuch lands and tenements, and ſhall mention the name of the plaintiff and defendant, and deſcribe the ſaid lands and tenements particularly, and mention the time and place appointed for the ſale thereof; and the coſt of ſuch publication ſhall be recovered and paid out of the ſale of ſuch land, or ſatisfied by the defendant.

Sec. 2. *Be it enacted*, That no execution on lands ſhall be levied, or ſale of lands or tenements under execution ſhall be made, which may affect the titles of any perſon purchaſing *bona fide* from, through, or under a defendant in any judgment, unleſs ſuch execution ſhall be iſſued and levied on ſuch land, and ſale thereof be made in twelve months from the time of the ſaid judgment being rendered; and every ſale of land or tenements under execution, made contrary to the proviſions of this act, ſhall be null and void to all intents and purpoſes: *Provided always*, that nothing herein contained, ſhall be conſtrued to affect the laws now in force, directing the ſales of lands for the payment of taxes or levies.

Sec. 3. *Be it enacted*, That in all caſes where an execution ſhall be levied on any lands and tenements, it ſhall and may be lawful for the defendant in execution, to divide the lands and tenements executed or levied on, into ſuch diviſions as he ſhall judge proper; and on the day of ſale, if the execution be not previouſly ſatisfied, to ſell ſuch lands or tenements, a diviſion at ſuch a time, according to the plan of diviſion delivered to him by the defendant in execution, until ſaid execution, with coſts of ſale, is fully ſatisfied and paid, and no more: *Provided*, that if the defendant in execution ſhall not deliver to the ſheriff or coroner a plan of diviſion, ſubſcribed with his proper name, and bearing ſome date ſubſequent to the date of the advertiſement, previous to the day of ſale, or on the day of ſale, at or before twelve o'clock, that it ſhall be the duty of the ſheriff or coroner to ſell the lands ſo executed, without any diviſion.

Sec 4. *Be it enacted*, That this act ſhall not be in force and uſe until the firſt day of February next.

CHAP. XV

AN ACT *authoriſing the inhabitants north of Clinch river, in Grainger county, to hold ſeparate elections and general muſters at ſuch place as therein mentioned.*—(PASSED OCTOBER 26. 1799)

WHEREAS the mountainous ſituation and large bounds of the county of Grainger renders it inconvenient for the citizens north of Clinch river, to attend the court houſe or place of holding courts in ſaid county: For remedy whereof

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That from and after the paſſing of this act, it ſhall and may be lawful for the inhabitants of Grainger, north of Clinch river, to meet and hold elections for governor, members of the general aſſembly, and a repreſentative or repreſentatives to the Congreſs of the United States, at the houſe of George Yokin.

Sec 2 *Be it enacted*, That it be lawful for the coroner or deputy ſheriff of the county of Grainger, to open and hold an election at the houſe aforeſaid, for the purpoſe of electing a governor, repreſentative or repreſentatives to the Congreſs of the United States and members of the general aſſembly of this ſtate, on the days pointed out by the conſtitution and laws of this ſtate, and ſubject to the rules and reſtrictions therein preſcribed, and receive the ballots of the perſons entitled to vote in ſaid bounds, under the rules and reſtrictions [illegible] is for holding elections in this ſtate, and the ballots ſo taken and ſealed up and tranſmitted to the court houſe, or place of holding court in ſaid county, on the ſucceeding day of ſaid election, under the direction of the coroner or deputy ſheriff, which ballots ſo taken ſhall be counted out by the ſheriff holding ſaid election, at the court houſe or place of holding court, and are hereby declared to be a part of the election of ſaid county of Grainger, any law to the contrary notwithſtanding.

Sec. 3. *Be it enacted*, That no citizen living north of Clinch river ſhall be entitled to vote at the court houſe or place of holding courts in ſaid county, under the penalty of ten dollars, nor no citizen living ſouth of Clinch river, ſhall be entitled to vote at any other place than at the court houſe or place of holding courts in ſaid county, under the like penalty.

Sec. 4. B*e it enacted*, That the inhabitants aforeſaid, from and after the paſſing of this act, ſhall hold general muſters at the place herein appointed by law for holding general muſters; and it ſhall be the duty of the commanding officer of ſaid county to appoint and notify one of the majors to attend ſaid muſters by this act directed.

Sec. 5. B*e it enacted*, That it ſhall and may be lawful for any five or more of the commiſſioned officers attending each and every general muſter north of ſaid river to hold a court martial on the day next ſucceeding the general muſters, and the major attending them ſhall preſide over the ſame: *Provided*, that the right of appeal to a regimental court martial of the county of Grainger, ſhall be had by the perſon aggrieved, within ſix months after ſuch ſentence being paſſed; and the perſon ſo aggrieved ſhall make application to the major commanding the battalion for a tranſcript of the cauſe of the fine, which the judge advocate ſhall make out and atteſt the ſame, and deliver to the major commanding, who ſhall deliver to the colonel commandant, whoſe duty it ſhall be to have the appeal tried the firſt regimental court martial held for ſaid county.

Sec. 6. B*e it enacted*, That the general muſters and courts martial directed to be held by this act, ſhall be held under the ſame rules and reſtrictions as are by law directed for holding general muſters and courts martial within the ſeveral counties within this ſtate; and it ſhall be the duty of the major attending the ſame, to receive the company returns, and tranſmit them to the commanding officer of the county as ſoon as may be.

Sec. 7 B*e it enacted*, That this act ſhall be in force from and after the paſſing thereof.

CHAP. XVI.

AN ACT *to amend an act, entitled*, "An act to aſcertain what property in this ſtate ſhall be deemed taxable, and the mode of collecting, accounting for and paying public taxes," *paſſed at Knoxville, on the 25th day of October*. 1797.—(PASSED OCTOBER 26, 1799.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That from and after the paſſing of this act, no ſheriff or collector of public taxes ſhall obtain and receive a credit with the treaſurer of his diſtrict, for any inſolvencies or deficiencies of payments in the collections of the public taxes in his county, without firſt making oath in open court, that the liſt of inſolvents by him exhibited, is juſt and true to the beſt of his knowledge, and that he had uſed all legal ways and means in his power to collect the taxes contained in the ſaid liſt, from the time he received the tax liſt of his county from the clerk thereof, and that he could not find any property to enable him to collect the ſaid taxes; and on ſuch oath being made, the court of the county in which ſuch ſheriff or collector reſides, ſhall order their clerk to certify to the public treaſurer, that they have allowed the collector of the public taxes in their county, a credit for the amount of the liſt ſo exhibited and ſworn to, or ſuch part thereof as the court ſhall deem reaſonable and juſt, plainly diſtinguiſhing the year for which the credit is to be allowed

Sec. 2 *Be it enacted*, That it ſhall and may be lawful, from and after the paſſing of this act, for the public treaſurers to enter up judgments againſt all delinquent collectors of public taxes and their ſecurities, in the ſuperior court for the diſtrict in which the treaſury is kept, and executions ſhall iſſue in manner heretofore preſcribed by law.

CHAP XVII.

AN ACT *to preſerve order in conducting elections* (PASSED OCT 26, '99)

BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That if any perſon or perſons ſhall by force or violence break up any election, by aſſaulting the officers thereof, depriving them of the ballot box, or uſing other forcible or violent means to prevent an election from being fairly and legally conducted, ſuch perſon or perſons, his or their aiders and abettors, ſhall be adjuded guilty of a miſdemeanor, and upon conviction, ſhall ſuffer three months confinement in jail, there to remain without bail or mainprize, and until he pays ſuch fine as the court before whom ſuch conviction is made, ſhall judge proper; provided it ſhall not exceed fifty dollars, and all coſts and charges.

CHAP. XVIII.

AN ACT *granting to citizens of Knox county, the privilege of holding ſeparate general muſters* —(PASSED OCTOBER 26, 1799.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the different companies ſouth of Clinch river, below Captains Gamble's and Hendrick's companies, ſhall for their convenience, hold general muſters and courts martial at the houſe of David Miller on the days preſcribed by law, which court is hereby authoriſed to appoint a judge advocate, who ſhall be under the ſame reſtrictions as other judge advocates in this ſtate, to divide and lay off companies agreeable to an act of aſſembly in that caſe made and provided, and try and determine all matters and things coming before them in as full and ample manner as a regimental court martial could do; and that all fines aſſeſſed, ſhall be collected by warrant from the field officer preſiding at the ſaid courts martial, and diſpoſed of in the ſame manner as is by law directed.

Sec. 2 *Be it enacted*, That it ſhall be the duty of the ſecond major of the Knox regiment to attend the ſaid muſters and courts martial, and he is hereby required to iſſue writs of election where vacancies may happen, and alſo to require the captains within ſaid bounds to make returns to him of the ſtrength and condition of their reſpective companies, and ſhall tranſmit the ſame as ſoon as may be to the colonel commandant of ſaid regiment.

Sec. 3. B*e it enacted* That the companies of captains Grills, Butler, Jeoffery, Lowe and England, ſhall hold general muſters and courts martial on the laſt Thurſdays of April and October every year at the houſe of Nathan Aldridge, which court ſhall have power to appoint a judge advocate, who ſhall be under the ſame reſtrictions as other judge advocates in this ſtate, and alſo to divide and lay off companies, agreeably to an act of aſſembly in that caſe made and provided, and try and determine all matters and things coming before them, in as full and ample manner as a regimental court marrial could do; and that all fines aſſeſſed ſhall be collected and diſpoſed of in the ſame manner as is by law directed

Sec. 4 *Be it enacted,* That it ſhall be the duty of the colonel commandant and firſt major of the Knox regiment, to attend at ſaid muſters and courts martial.

Sec. 5 *Be it enacted,* That this act ſhall be in force from and after the fi[illegible] day of January next.

CHAP XIX.

An ACT *concerning divorces* —(PASSED OCT. 26, 1799)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That where a marriage hath heretofore, or may be hereafter contracted and celebrated between any two perſons, and it ſhall be adjudged in the manner herein after mentioned, that either party at the time of the contract was, and ſtill is naturally impotent and incapable of procreation, or that he or ſhe hath knowingly entered into a ſecond marriage, in violation of a previous vow made to a former wife or huſband, whoſe marriage is ſtill ſubſiſting, or that either of them hath been guilty of acts and deeds inconſiſtent with the matrimonial vow; by adultery, or wilful and malicious deſertion or abſence without a reaſonable cauſe, for the ſpace of two years, in every ſuch caſe it ſhall and may be lawful for the innocent and injured perſon to obtain a divorce from the bond of matrimony.

Sec. 2 B*e it enacted,* That if any perſon hath been or ſhall be injured in any of the ways above mentioned, the huſband in his own proper perſon or the wife by her next friend, may exhibit his or her petition to the judge or judges of the ſuperior court, in or out of term time, ſetting forth therein particularly and ſpecially the cauſes of his or her complaint, and ſhall, together with ſuch petition alſo exhibit an affidavit, taken on oath or affirmation before one of the ſaid judges, or ſome juſtice of the peace within the county in which he or ſhe reſides, that the facts contained in ſaid petition are true, to the beſt of his or her knowledge and belief, and that ſaid complaint is not made out of levity, or by colluſion between huſband and wife, and for the mere purpoſe of being freed and ſeparated from each other, but in ſincerity and truth for the cauſes mentioned in ſaid petition; and thereupon a ſubpœna ſhall iſſue from ſaid court, ſigned by the clerk thereof, directed to the perſon ſo complained againſt, commanding him or her to appear at the next ſuperior court, to anſwer ſaid petition, and upon due proof, upon the return of ſaid proceſs, that a copy thereof was ſerved, either perſonally on the ſaid party, and the original ſhewn to him or her, under the ſeal of the court, or that he or ſhe could not be found, and that a copy thereof was left at his or her uſual place of abode, at leaſt fifteen days before the day of ſaid return incluſive; if he or ſhe ſhall refuſe or neglect to appear, then an alias ſubpœna ſhall iſſue, returnable the firſt day of the next term, and be ſerved perſonally in manner aforeſaid; but if he or ſhe cannot be found, then proclamation ſhall be made publicly by the ſheriff, on three ſeveral days at the court houſe, during term time, for the party to appear and anſwer as commanded by ſubpœna, and that notice be alſo given in ſome of the public newſpapers in the ſtate, for four ſucceſſive weeks previous to the return day of ſaid proceſs, and in the mean time the ſaid court ſhall make preparatory rules and orders in the cauſe, that the ſame may be brought to iſſue, or a hearing at the ſecond term, when the court may determine the ſame *ex parte* if neceſſary. But if the defendant ſhall appear and anſwer agreeably to the rules of the court, and either of the parties ſhall deſire any matter of fact that is affirmed by the one and denied by the other, to be tried by a jury, the ſame ſhall be ſo tried in ſaid court.

Sec. 3. *Be it enacted*, That if any huſband or wife upon a falſe rumor, apparently well founded, of the death of the other (where ſuch perſon has been abſent for the ſpace of two whole years) hath married, or ſhall marry again, he or ſhe ſhall not be ſubject to the pains of adultery, but it ſhall be at the election of the party remaining ſingle, at his or her return, to inſiſt to have his or her former huſband or wife reſtored, or to have his or her own marriage diſſolved, & the other party to remain with the ſecond huſband or wife; and in any ſuit or action inſtituted for this purpoſe, within one year after ſuch return, the court ſhall ſentence and decree accordingly.

Sec. 4. *Be it enacted*, That in any action or ſuit commenced for a divorce in ſaid court for the cauſe of adultery, if the defendant ſhall alledge and prove that the plaintiff has been guilty of the like crime, or has admitted the defendant into conjugal ſociety and embraces, after he or ſhe knew of the criminal fact, or that the ſaid plaintiff (if the huſband) allowed of the wife's proſtitutions and received hire for them, or expoſed his wife to lewd company whereby ſhe became enſnared to the crime aforeſaid, it ſhall be good defence and a perpetual bar againſt the ſame.

Sec. 5. *Be it enacted*, That it ſhall and may be lawful for the ſuperior court, after hearing the cauſe commenced before them, by virtue of this act, to determine the ſame as to law and juſtice ſhall appertain, by either diſmiſſing the petition, or ſentencing and decreeing a divorce and ſeparation from the nuptial ties, or bonds of matrimony, or that the marriage is null & void, agreeably to the prayer thereof. And after ſuch ſentence nullifying or diſſolving the marriage, all and every the duties, rights, and claims accruing to either of the ſaid parties, at any time theretofore, in purſuance of ſaid marriage, ſhall ceaſe and determine, and the ſaid parties ſhall ſeverally be at liberty to marry again, in like manner as if they had never been married: *Provided always nevertheleſs*, that he or ſhe who hath been guilty of adultery, ſhall not marry the perſon with whom the ſaid crime was committed, during the life of the former huſband or wife: *Provided alſo*, that nothing herein contained, ſhall be conſtrued to extend to, or affect, or render illegitimate any children born of the body of the wife during coverture.

Sec 6. *Be it enacted*, That when any woman ſhall be divorced as aforeſaid, and ſhall afterwards openly cohabit at bed and board with the perſon named in the petition, or proved to be the partaker in her crime, ſhe ſhall not, and ſhe is hereby declared to be incapable to alienate, directly or indirectly, any of her lands, tenements, or hereditaments; but that all deeds, wills, appointments, and conveyances thereof, ſhall be abſolutely void and of no effect; and after her death the ſame ſhall deſcend and be ſubject to diſtribution in like manner as if ſhe had died ſeized thereof inteſtate.

Sec. 7. *Be it enacted,* That no perſon ſhall be entitled to a divorce from the bond of matrimony by virtue of this act, who is not a citizen of this ſtate, and who has not reſided therein at leaſt one whole year previous to filing his or her petition.

Sec 8. *Be it enacted,* That the court ſhall award coſts to the party in whoſe behalf the ſentence or decree ſhall paſs, or that each party ſhall pay his or her own coſts, as to them ſhall appear reaſonable and juſt.

Sec. 9. *Be it enacted,* That if any huſband ſhall maliciouſly abandon or turn his wife out of doors, or by cruel or barbarous treatment endanger her life, or offer ſuch indignities to her perſon as to render her condition intolerable, and thereby force her to withdraw, it ſhall be lawful for the court, upon due proof thereof in manner aforeſaid upon the firſt or any ſubſequent term, to grant the wife a divorce from bed and board, and alſo to allow her ſuch alimony as her huſband's circumſtances will admit of, ſo that it exceed not one third part of the annual profit or income of his eſtate, or occupation, or labor, which ſhall continue until a reconciliation take place, or the huſband ſhall by his petition offer to cohabit with her again, and uſe her as a good huſband ought to do. And then and in ſuch caſe the court may ſuſpend the aforeſaid decree, or in caſe of her refuſal to return and cohabit under the protection of the court, to diſcharge and annul the ſame at their diſcretion; and if he fail in performing ſaid engagements, the former ſentence or decree may be revived and enforced, and the arrears of alimony ordered to be paid

Sec. 10 *Be it enacted,* That it ſhall be the duty of the court on making up their decree, to decree to the wife ſo divorced, ſuch part of the real and perſonal property as they ſhall think proper, conſiſtent with the nature of the caſe, and ſhall appoint three freeholders, as commiſſioners, to make diviſion accordingly, whoſe duty it ſhall be, without delay, to divide the ſame; which commiſſioners ſhall receive an adequate compenſation for their ſervices, to be paid by the party praying, at the diſcretion of the court.

Sec. 11. *Be it enacted,* That Mark Noble, of Robertſon county, and his wife Caty; Thomas Buzby, of Grainger county, and his wife Mary; and John Chiſholm late of Knox county, and his wife Patty, be, and are hereby diſſolved from the bonds of matrimony, to all intents and purpoſes; and it ſhall and may be lawful for either and every of the ſaid parties again to marry, in the ſame manner as if neither of them had ever been married: Provided, nothing herein contained, ſhall be conſtrued to baſtardize the iſſue either of Mark Noble and Caty his wife, or Thomas Buzby and Mary his wife, or John Chiſholm and Patty his wife.

CHAP. XX.

AN ACT *for the puniſhment of horſe ſtealing.*—(PASSED OCT. 23, 1799.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That from and after the paſſing of this act, any perſon who ſhall be guilty of feloniouſly ſtealing, taking or carrying away any horſe, mare, or gelding, ſhall, for ſuch offence, ſuffer death without benefit of clergy.

Sec. 2. *Be it enacted,* That all laws, or parts of laws, which come within the purview and meaning of this act, are hereby declared null and void, any law, uſage or cuſtom to the contrary notwithſtanding.

CHAP. XXI.

AN ACT *to ſuſpend the ſecond ſection of an act, entitled,* "An act reſpecting dollars and cents, and contracts, and the manner of keeping accounts," *ſo far as reſpects the currency in which contracts ſhall be made and accounts kept.*

BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the ſecond ſection of the above recited act is ſuſpended until the next ſtated general aſſembly.

CHAP. XXII.

AN ACT *authoriſing the inhabitants of Hawkins county, northweſt of Clinch mountain, to hold general muſters at ſuch time and place as therein mentioned*—(PASSED OCTOBER 26, 1799.)

WHEREAS the mountainous ſituation of that part of Hawkins county which lies north weſt of Clinch mountain, renders it inconvenient for the citizens thereof to attend general muſters at the court houſe of ſaid county: For remedy whereof

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That it ſhall and may be lawful for the inhabitants north weſt of Clinch mountain to hold general muſters at the time & place by this act directed.

Sec. 2 *Be it enacted,* That it ſhall be the duty of the colonel commandant of the regiment of ſaid county of Hawkins, to order one of the majors of the ſaid regiment to attend each and every muſter herein directed to be held; and it ſhall be farther the duty of ſaid colonel to give to the ſaid major ſo appointed, ten days notice of his appointment previous to ſaid muſter, who is hereby required to proceed and cauſe to be diſciplined the militia within the bounds aforeſaid, in the manner as by law directed.

Sec. 3. *Be it enacted,* That if the ſaid major ſo appointed ſhall neglect or refuſe to attend and perform the duties by this act required, he ſhall on conviction before the regimental court martial of his county, forfeit and pay a ſum not exceeding thirty dollars, to be collected, accounted for, and appropriated as other fines for ſimilar offences.

Sec. 4. *Be it enacted,* That it ſhall and may be lawful for any ſix or more of the commiſſioned officers attending each muſter by this act directed to be held, to hold courts martial on the day next ſucceeding ſuch muſter, and the major attending them ſhall preſide over the ſame: Provided, that no ſentence or decree of the ſaid court martial ſhall be final, except the party caſt ſhall agree thereto; but in all caſes the right of appeal to the regimental court martial of the county of Hawkins ſhall be had.

Sec. 5. *Be it enacted,* That the general muſters and courts martial directed to be held by this act, ſhall be held on the third Friday in February and July annually, at the houſe of David Day, and ſhall be held under the ſame rules and regulations as are by law directed for holding general muſters and courts martial within the ſeveral counties in this ſtate; and it ſhall be the duty of the majors attending the ſame, to receive the company returns, and tranſmit them to the commanding officer of the county as ſoon as may be.

Sec 6. *Be it enacted*, That this act ſhall be in force from and after the firſt day of December next.

CHAP. XXIII.

AN ACT *giving original & concurrent juriſdiction to the ſuperior courts of law, of all indictments for aſſaults and batteries committed during term time, and within the bounds therein mentioned.*—(PASSED OCT 23,'99)

BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That from and after the paſſing of this act, the ſuperior courts throughout this ſtate ſhall have original and concurrent juriſdiction with the county courts, of all indictments for aſſaults and batters committed during the term of ſaid courts, and within the bounds of ſaid town wherein ſuch ſuperior courts are held, any law, uſage, or cuſtom to the contrary notwithſtanding.

CHAP. XXIV.

AN ACT *to authorize the field officers of the county of* Jefferſon, *to hold two ſeparate general muſters in each and every year, at the houſe of Maj.* Robert M'Farland, *to conſiſt of the Captains* Lane's, Damaron's, M'Donnell's *and* Vanſhears's *companies.*—(PASSED OCT 26, 1799.)

BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That from and after the paſſing of this act, it ſhall be the duty of the field officers of the county of Jefferſon to hold two general muſters in each and every year, at the houſe of Maj Robert M'Farland, on the ſecond Thurſdays of May and November in each year, to conſiſt of the following four companies, viz. Lane's, Damaron's, M'Donnell,s & Vanſhears's, which muſters ſhall be held and conducted by the ſaid field officers under the ſame rules and regulations as directed by the militia law of this ſtate, and that the officers and men of the ſaid companies be exempted from attending any other general muſter in the ſaid county.

CHAP. XXV.

AN ACT *authoriſing conſtables to levy attachments for ſums above the juriſdiction of a ſingle magiſtrate.*—(PASSED OCTOBER 23, 1799.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That from and after the paſſing of this act, conſtables ſhall on all occaſions have full power and authority to levy attachments where debtors are about to abſcond or remove, ſo as to evade the ordinary proceſs of law, and a true return thereof to make to the next county court, in as full and ample a manner as ſheriffs might or could do, any law, uſage or cuſtom to the contrary notwithſtanding.

CHAP. XXVI.

AN ACT *to eſtabliſh a town by the name of Kingſton, on the lands of Robert King, near South Weſt Point, in Knox county.* (PASSED OCT 23,'99.

BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That a town be eſtabliſhed on the lands of Robert King, near South Weſt Point, in Knox county, to conſiſt of fifty acres, to be laid out in convenient ſtreets, lots, ſquares and commons, under the direction of David

Miller, Alexander Carmichael, George Preſton, John Smith, William L. Lovely, Merriweather Smith, and Thomas N. Clark, who are hereby declared commiſſioners for laying out and regulating the ſaid town, which town ſhall be called and known by the name of Kingſton.

CHAP XXVII.

AN ACT *authoriſing the ſuperior and county courts to make allowances for ſervices herein mentioned.*—(PASSED OCT 26. 1799)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That it ſhall be the duty of each court, on due proof being made of ſervices done, or neceſſary expences incurred, in moving priſoners from any jail to the jail of ſuch court, to examine ſuch accounts, and make ſuch reaſonable allowances as they may think proper, and order the ſame to be paid out of the fines and forfeitures ariſing in ſaid court.

Sec. 2. *Be it enacted,* Where any jailer has or may hereafter keep a priſoner or priſoners, who have been confined in any diſtrict or county jail, and the ſame has been releaſed by legal authority without payment of coſts, the ſuperior or county courts are hereby authoriſed to examine ſaid claim or claims, and if juſt to iſſue a warrant to the county truſtee to pay ſaid compt.

CHAP. XXVIII.

AN ACT *to prevent harboring or trading with ſlaves* (PASSED OCT 26, '99

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That if any citizen of this ſtate ſhall trade with any ſlave, without a paſs from his or her maſter, miſtreſs, or overſeer, expreſſing the time when, and the buſineſs for which they go, every perſon ſo offending ſhall for every ſuch offence, forfeit and pay to the owner of ſuch ſlave the ſum of ten dollars, recoverable by action of debt before any juſtice of the peace in the county in which ſuch offence ſhall be committed; and if any ſlave ſhall produce a forged paſs or certificate, he or ſhe ſo offending, ſhall on conviction, ſuffer ſuch corporal puniſhment as a juſtice of the peace ſhall think proper to inflict, not exceeding thirty nine laſhes.

Sec. 2 *Be it enacted* That if any perſon ſhall hereafter intice or perſuade any ſervant or ſlave to abſent him or herſelf from his or her owner's ſervice, or ſhall harbor or maintain under any pretence whatever, any run away ſervant or ſlave, ſuch perſon ſhall for every ſuch offence forfeit and pay to the owner of ſuch ſervant or ſlave, the ſum of fifty dollars, to be recovered by action of debt, before any juſtice of the peace within the county where ſuch offence ſhall be committed, and be further liable to ſaid owner in an action of damages.

CHAP. XXIX

AN ACT *appointing commiſſioners to fix a place to build a court houſe, priſon and ſtocks in the county of Grainger, and to lay off a town thereon.*—(PASSED OCT. 26 1799)

Section 1 BE *it enacted by the General Aſſembly of the State of Tenneſſee* That William Nall, Robert Paterſon, William Clay, Phelps Reed, William Hankins, John Evans, of Panther creek, and Ethan Davis, or a majority of them, are hereby authoriſed to fix on a place in the county of Grainger, for the purpoſe of erecting a court houſe, priſon and ſtocks as near the centre of ſaid county as ſituation will admit of, having regard to the ſurvey made by William Paine for that purpoſe. And the better to enable the commiſſioners to carry this act into effect,

Sec. 2. *Be it enacted,* That the court of Grainger county ſhall lay a tax in the bounds of ſaid ſurvey made by William Paine, not exceeding twelve and half cents on each white poll, between the age of twenty one and fifty years; a tax not exceeding twenty five cents on each black poll between the age of twelve and fifty years; a tax not exceeding twelve and an half cents on each hundred acres of land, and a tax not exceeding twenty five cents on each town lot; which tax ſhall not be laid more than three years, and ſhall be collected, accounted for and paid into the hands of the ſaid commiſſioners, at the ſame time and under the ſame rules and reſtrictions as is obſerved in collecting, accounting for and paying public taxes.

Sec. 3. *Be it enacted,* That the ſaid commiſſioners are hereby authoriſed to purchaſe and lay off a town at the place whereon they may agree to fix the court houſe, to conſiſt of fifty lots, which ſhall be known by the name of Rutledge.

Sec. 4. And for the due adminiſtration of juſtice, *Be it enacted,* That the ſaid commiſſioners, before entering on the duties of their appointment, ſhall take an oath or affirmation to do equal juſtice to the citizens of the county of Grainger, to the beſt of their knowledge.

Sec. 5 *Be it enacted,* That all laws or parts of laws, coming within the purview and meaning of this act, is hereby repealed and made void.

CHAP. XXX.

AN ACT *to direct the manner in which the ſeveral clerks and maſters of the courts of equity, clerks of the ſuperior courts of law, clerks of the county courts and the regiſter of each and every county, ſhall ſettle with the treaſurer of their reſpective diſtricts, for the public taxes by them collected.*—(PASSED OCT. 26, 1799.)

Section 1. *BE it enacted by the General Aſſembly of the State of Tenneſſee,* That the ſeveral clerks and maſters of the courts of equity, the clerks of the ſuperior courts of law, and the clerks of the ſeveral county courts, ſhall collect the following taxes for the uſe of the ſtate, viz. On each ſuit in equity two dollars and fifty cents; on each ſuit in a ſuperior court of law one dollar and twenty five cents; on each ſuit in a county court ſixty two, & a half cents; on each appeal from an inferior to a ſuperior court, or writs of certiorari, one dollar; on the probate or acknowledgment of each deed of conveyance for land at the rate of ten cents per hundred acres, except deeds for town lots, or part thereof, which ſhall be taxed twenty cents on each deed, which ſhall be paid at the time the probate or acknowledgment ſhall be made, and on each ordinary licence five dollars, which ſhall be paid at the time licence is granted; and the taxes on proceedings in equity, and ſuits at law, ſhall be taxed in the executions, when the ſuits are determined.

Sec. 2. *Be it enacted,* That each of the before mentioned clerks ſhall return an account of the public taxes by him collected, plainly diſtinguiſhing the different ſuits, appeals, or writs of certiorari, probates or acknowledgments of deeds and ordinary licences, and annex thereto the amount of the taxes ariſing thereon, to the treaſurer of their diſtricts on or before the firſt day of October in each and every year, and ſhall at the ſame time pay into the hands of the ſaid treaſurer the amount of the taxes by him collected, for which ſervices each clerk ſhall be entitled to receive from the ſaid treaſurer two and half per cent. on the amount of the taxes by him ſo collected and paid into the public treaſury.

Sec. 3 *Be it enacted*, That the regiſter of each and every county, ſhall collect for the uſe of the ſtate, at the rate of ten cents per hundred acres, on the regiſtration of each and every original grant, and the ſame on the regiſtration of each deed of conveyance for land, except deeds for town lots or parts thereof, which ſhall be taxed twenty cents on each deed that hath or may hereafter be acknowledged or proved before one or more of the judges of the ſuperior courts of law and equity, or proved or acknowledged out of the limits of this ſtate, and by law admitted to be regiſtered within this ſtate; and ſhall collect the ſaid taxes at the time he receives the ſaid grants and deeds of conveyance for the purpoſe of regiſtering the ſame; and the regiſter may receive as compenſation for his ſervices, on regiſtering each deed of conveyance or grant, when but one tract of land is conveyed, or but one warrant ripened into a gtant, fifty cents; and in like manner where more than one tract is conveyed in ſaid deed or in ſaid grant, then and in that caſe fifty cents on the firſt tract expreſſed in ſaid deed or grant, and twelve and an half cents on each other tract or warrant ſo included.

Sec. 4. *Be it enacted*, That the regiſter of each county ſhall, on or before the firſt day of October in each and every year, return an account of the public taxes by him collected, plainly diſtinguiſhing the grants and deeds of conveyance, and annex thereto the amount of the taxes ariſing thereon, to the public treaſurer of his diſtrict, and at the ſame time pay into the hands of the ſaid treaſurer the amount of the taxes by him ſo collected; for which ſervices each regiſter ſhall be entitled to receive from the treaſurer two and an half per cent. on the amount of the taxes by him ſo collected and paid into the public treaſury.

Sec. 5. *Be it enacted*, That each clerk and regiſter in this act mentioned, ſhall, previous to his rendering an account of the public taxes by him collected, take and ſubſcribe the following oath, viz.—"I *A. B.* do ſolemnly ſwear, (or affirm as the caſe may be) that the annexed ſtatement contains a juſt and true account of all the public taxes by me collected, which I am by law bound to pay into the public treaſury of my diſtrict, up to   day of   ," which oath ſhall be annexed to the account rendered, and filed therewith in the office of the treaſurer.

Sec. 6 *Be it enacted*, That if any clerk and maſter in equity, clerk of a ſuperior court of law, clerk of a county court, or regiſter of any county, ſhall at any time hereafter fail or neglect to render an acount as herein before directed, of all public money by him collected under the authority of this act, or of any act or acts heretofore in uſe in this ſtate, and pay the ſame to the treaſurer, within two months after the time herein before ſpecified for that purpoſe, in each year, he ſhall forfeit and pay the ſum of fifty dollars for every ſuch offence, to the uſe of the ſtate, which, together with the coſts of proſecution, may be recovered by preſentment or indictment, in the ſuperior court of the diſtrict in which ſuch delinquent may reſide, and ſuch failure or neglect ſhall be deemed a miſdemeanor in office, and ſuch delinquent being thereof legally convicted, on preſentment or indictment in the ſuperior court of the diſtrict in which he reſides, which ſhall be ſufficient teſtimony upon impeachment to remove him from office, to which he ſhall not be again eligible for the term of ten years; and any clerk and maſter in equity, clerk of a ſuperior court of law, clerk of a county court, or regiſter of any county, failing or neglecting as aforeſaid, he ſhall ſubject himſelf and his ſecurities to an action on his bond, in the name of the governor for the time being, for the uſe of the ſtate, to recover all ſuch money as may remain in the hands of ſuch delinquent, unaccounted for, together with twelve and an half per cent intereſt from the time ſuch money ſhould have been paid to the treaſurer and the coſts of ſuit; ſaid action to be commenced in the ſuperior court of the diſtrict in which the office of the treaſurer to whom ſuch money ſhould have been paid is kept.

Sec. 7. *Be it enacted*, That this act ſhall be in force from and after the firſt day of January next.

CHAP. XXXI.

AN ACT to empower the county court of *Davidſon*, to lay county taxes, and appropriate county monies.—(PASSED OCT. 26, 1799.)

BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That from and after the paſſing of this act, it ſhall be lawful for nine juſtices of the county court of Davidſon to lay county taxes, and make all appropriations of county money hereafter to be made, any law to the contrary notwithſtanding.

CHAP XXXII.

AN ACT *to eſtabliſh the town of Newport, in the county of Cocke, and for making valid a certain deed therein mentioned.*—(PASSED OCT. 23, '99.)

WHEREAS by an act, entitled " An act to divide the county of Jefferſon into two ſeparate and diſtinct counties, commiſſioners were appointed to fix on and lay out a place the moſt ſuitable and convenient in ſaid county, for the purpoſe of erecting a court houſe, priſon and ſtocks: And whereas the ſaid commiſſioners have fixed on a place as aforeſaid, and John Gilliland having obligated himſelf to the ſaid commiſſioners to appropriate fifty acres of land at the place aforeſaid, for the purpoſe of laying out the town aforeſaid; and having conveyed to the ſaid commiſſioners the ſaid fifty acres of land above mentioned for the purpoſe of erecting the aforeſaid court houſe, priſon and ſtocks, and laying out a town, to conſiſt of half acre lots, with proper ſtreets and allies; and the ſaid commiſſioners having laid out the ſaid fifty acres of land into a town by the name of Newport:

BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the aforeſaid fifty acres of land ſhall continue to be a town, agreeably to the plan of ſaid commiſſioners, filed in the clerk's office of ſaid county of Cocke, by the name of Newport, and that the deed of conveyance made by the ſaid John Gilliland, for the fifty acres of land aforeſaid, ſhall be good and valid in law and equity, to ſaid commiſſioners and their ſucceſſors in office, for the purpoſes for which the ſaid John Gilliland hath conveyed the ſame.

CHAP XXXIII.

AN ACT *to eſtabliſh a town in Williamſon county, by the name of Franklin.* (PASSED OCTOBER 26, 1799.)

WHEREAS Abraham Maury has laid off a town on his own land on Harpeth, and has prayed that a law may be paſſed for the eſtabliſhment thereof, Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That ſaid town ſhall be known and diſtinguiſhed by the name of Franklin, and is hereby eſtabliſhed agreeable to the preſent plan, a copy of which ſaid Maury is hereby required to file in the clerk's office of the county of Williamſon, within ſix months after the paſſing of this act.

Sec. 2. *Be it enacted,* That Abraham Maury, John Walthral, Joſeph Porter, William Boyd and David M'Ewen are hereby conſtituted and appointed commiſſioners for the regulation of the ſaid town of Franklin, veſted with full power and authority for that purpoſe: *Provided* they govern themſelves by the original plan of ſaid town.

CHAP. XXXIV.

An ACT *appointing commiſſioners to contract for building a county court houſe and ſtocks in the town of Naſhville.*—(PASSED OCT 23, 1799.)

WHEREAS it would greatly conduce to the expedition of buſineſs in the court of Davidſon county, to have a good and complete ſtone court houſe, with ſuitable ſtocks, erected in the town of Naſhville:

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That John M'Nairy, Joſeph Coleman, Robert Searcy, Joſeph Philips and David M'Gavock be, and are hereby appointed commiſſioners to ſuperintend the building ſaid court houſe and ſtocks, and that they or a majority of them are hereby empowered and directed to proceed as ſoon as may be, to let ſaid buildings to the loweſt bidder, having firſt advertiſed the ſame for ſixty days at the court houſe in Naſhville, ſetting forth the ſize and materials of which they are to be built; and when ſo let, to take bond with ſufficient ſecurity for the faithful performance thereof.

Sec. 2. *Be it enacted,* That the county court of Davidſon, next enſuing the paſſing of this act, lay a tax not exceeding twelve and a half cents on each white poll, nor twenty five cents on each black poll, nor twelve and a half cents on each hundred acres of land, nor twenty five cents on each town lot, nor one dollar on each ſtud horſe kept for covering mares, nor twenty five dollars on each billiard table, which ſaid tax is to be continued from time to time until ſaid buildings are completed, for the purpoſe aforeſaid; and the ſheriff is hereby authoriſed and directed to collect and account with ſaid commiſſioners or a majority of them for the ſame, under ſuch reſtrictions and with ſuch emoluments as he collects other taxes.

Sec. 3. *Be it enacted,* That the commiſſioners, before entering upon the duties of their appointment ſhall give bond in the ſum of three thouſand dollars, payable to the chairman of the court, for the faithful appropriation and accounting for all monies by them received, and that they be allowed a moderate compenſation for their ſervices.

Sec. 4. *Be it enacted,* That the commiſſioners are hereby authoriſed and empowered to ſell the old court houſe in Naſhville, as ſoon as they may think proper, and the monies ariſing from ſaid ſale be converted to the uſe of building a new one.

CHAP. XXXV.

An ACT *to prevent the obſtruction of the navigation of the rivers therein mentioned.*—(PASSED OCTOBER 26, 1799.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the navigation of the rivers Holſton, Nolichucky, French Broad, Clinch, Little Pigeon, Big Pigeon and Powell's river, to where they interſect with the Tenneſſee, ſhall be and remain open & free.

Sec. 2. *Be it enacted*, That if any perſon or perſons have heretofore erected or ſhall hereafter erect any fiſh dam on the ſaid rivers, he ſhall open or leave open in the deepeſt part of the channel of ſaid rivers, where ſuch dam is or may be erected, one third of the width of ſaid channel and keep the ſame open.

Sec. 3. *Be it enacted*, That if any perſon or perſons ſhall fail to comply with the above, he ſhall forfeit and pay for every ſuch offence the ſum of two hundred dollars, to be recovered before any juriſdiction having cognizance thereof, one half to him who will ſue for the ſame, the other half to the county where ſuch offence ſhall be committed.

Sec. 4. *Be it enacted*, That from and after the paſſing of this act, if any perſon or perſons make or cauſe to be made, any hedges, cut or cauſe to be cut any tree or trees in ſaid rivers, whereby the navigation of ſaid rivers ſhall be obſtructed, he or they ſo offending, ſhall for every ſuch offence, forfeit and pay the ſum of two hundred dollars, to be recovered by action of debt before any juriſdiction having cognizance thereof, one half to him who will ſue for the ſame, the other half to the uſe of the county wherein ſuch offence ſhall be committed.

CHAP. XXXVI.

AN ACT *to eſtabliſh a town by the name of Hayſborough, on a north bluff of Cumberland river, in Davidſon county* —(PASSED OCT. 23, 1799.)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That a town be laid off on ſaid bluff, agreeably to the plan heretofore made, which ſhall be known and diſtinguiſhed by the name of Hayſborough.

Sec. 2. *Be it enacted*, That from & after the paſſing of this act, Robert Hays, Simpſon Harris, Thos. Harney, John Graves & Samuel Harneſs, eſqrs. be and they and every of them, are hereby conſtituted commiſſioners for the further deſigning, building and improving the ſaid town; and they ſhall ſtand ſeized of an indefeaſible eſtate in fee ſimple, of and in the land ſo to be laid off, to and for the uſes and purpoſes hereby expreſſed and declared; and the ſaid commiſſioners or a majority of them, ſhall make and execute deeds to ſuch perſons as ſhall become purchaſers of any lot or lots in ſaid town, at the coſt and charges of the ſaid grantee or grantees, which lot or lots, by virtue of ſaid conveyance, ſhall be held to ſuch purchaſer or purchaſers in fee ſimple, to his or their heirs and aſſigns forever.

Sec. 3. *Be it enacted*, That all monies which ſhall ariſe from the diſpoſal of the ſaid lots of the ſaid town by the commiſſioners ſhall be received by them or their ſucceſſors, and after deducting their reaſonable charges and expences, the ſame ſhall be paid by them to the original proprietors, their heirs, executors, adminiſtrators or aſſigns.

And for continuing of the ſucceſſion of the ſaid commiſſioners,

Sec. 4. *Be it enacted*, That in caſe of death, refuſal to act or removal from office, of any of the ſaid commiſſioners, the ſurvivors or a majority of them, ſhall aſſemble, and are hereby authoriſed to nominate and appoint, by inſtrument in writing under their hands, ſome other perſon or perſons, being an inhabitant and freeholder of ſaid county, in the place and room of him or them ſo dead, refuſing to act, or removing out of the ſaid county, which ſaid commiſſioners ſo appointed, ſhall have and exerciſe all the ſame powers and authorities, in all matters herein contained, as the perſon in whoſe room and ſtead he was ſo appointed had and exerciſed.

CHAP. XXXVII.

AN ACT appointing commiſſioners to ſettle with perſons heretofore appointed in the county of *Waſhington*, to contract for the public buildings, and the regulation of the town of *Joneſborough*. (PASSED OCTOBER 26, 1799)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That Iſaac Depew, John M'Aliſter, jun. and Andrew Hannah, ſhall be appointed to call on all perſons who have heretofore been appointed by law to regulate the town of Joneſborough, and contract and ſettle for the public buildings of the county of Waſhington, and a final ſettlement to make with the aforeſaid commiſſioners, and ſhall make a fair ſtatement of all ſums by them expended, to whom paid and for what purpoſes, and ſhall return the ſame to the county court, which ſhall be entered on the records.

Sec. 2. *Be it enacted*, The better to enable the ſaid commiſſioners to make and complete the aforeſaid ſettlement, they are hereby empowered to call on all perſons who may have any accounts reſpecting the aforeſaid buildings, and the clerk of the aforeſaid county ſhall lay before the aforeſaid commiſſioners a fair ſtatement of the amount of all taxes laid on the aforeſaid county, for the purpoſe of the public buildings, ſetting down the particular year, and the amount of the ſum in each year.

Sec. 3. *Be it enacted*, That if any clerk, ſheriff, or other perſon ſhall refuſe or neglect, when called on, to furniſh the commiſſioners with all papers and vouchers that they may think neceſſary, which is in their hands, ſhall forfeit and pay the ſum of five hundred dollars, to be applied one half to the uſe of the county, the other half to the uſe of the perſon who will ſue for the ſame.

CHAP XXXVIII

AN ACT to eſtabliſh a town by the name of *Dandridge*, in *Jefferſon* county.—(PASSED OCT. 26, 1799)

WHEREAS Francis Dean, of the county of Jefferſon, in the year 1792, conveyed fifty acres of land to Alexander Outlaw, Hugh Kelſea, Jared Fitzgerald, Andrew Henderſon, and George Doherty, as commiſſioners, for erecting a court houſe, priſon, and ſtocks in and for ſaid county, to be laid out into a town for the benefit of the county: And whereas the ſaid Alexander Outlaw, Hugh Kelſea, Jared Fitzgerald, Andrew Henderſon, and George Doherty have cauſed the ſaid fifty acres of land to be laid out into a town by the name of Dandridge, and diſpoſed of ſundry of the lots according to the intention of the donor:

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the ſaid fifty acres of land ſhall continue to be a town agreeably to the plan of the ſaid Alexander Outlaw, Hugh Kelſea, Jared Fitzgerald, Andrew Henderſon, and George Doherty, by the name of Dandridge, and that the deed of conveyance from the ſaid Francis Dean to the ſaid Alexander Outlaw, Hugh Kelſea, Jared Fitzgerald, Andrew Henderſon, and George Doherty, for the ſaid fifty acres of land, altho' made without value received, ſhall be good and valid in law to them and their ſucceſſors, for the purpoſe for which the ſaid Francis Dean conveyed the ſame.

And whereat Jared Fitzgerald, one of the above commiſſioners, hath removed from the county of Jefferſon: And whereas it is requiſite that his place ſhould be ſupplied, and an additional number of commiſſioners be appointed:

Sec. 2. *Be it enacted*, That in addition to the ſaid Alexander Outlaw, Hugh Kelſea, Andrew Henderſon, and George Doherty, who are hereby declared to be continued commiſſioners, James Doherty ſhall be a commiſſioner in the place and ſtead of Jared Fitzgerald, and Edward George be appointed in addition, with full power and authority, as commiſſioners, veſted with the ſaid fifty acres of land laid off as aforeſaid in a town, to regulate the ſaid town, and diſpoſe of ſuch lots as have not already been ſold, and apply the money ariſing from the ſale, for the purpoſes for which the ſaid fifty acres were originally given and conveyed by the ſaid Francis Dean.

Sec. 3. *Be it enacted*, That the ſaid Alexander Outlaw, Hugh Kelſea, Andrew Henderſon, George Doherty, James Doherty, and Edward George, commiſſioners as aforeſaid, ſhall alſo be commiſſioners for completing and keeping in repair the court houſe, priſon and ſtocks of the ſaid county of Jefferſon, and be held accountable to the court of the ſaid county, in the manner as other commiſſioners for erecting pubicl buildings are held accountable for all monies by them received and expended.

CHAP. XXXIX

AN ACT *authoriſing the county court of pleas & quarter ſeſſions of the county of Cocke, to open a certain road therein mentioned* (PASSED OCT. 26, '99.)

WHEREAS a road from or near the town of Newport, in the county of Cocke, to croſs the mountains by the way of the old fields of Big Pigeon, into the ſtate of Georgia, would not only be of conſiderable advantage to the inhabitants of ſaid county, but would be of great convenience to perſons paſſing from this ſtate to the ſtate of Georgia and South Carolina:

Sec. 1. *Be it enacted by the General Aſſembly of the State of Tenneſſee*, That it ſhall and may be lawful for the ſaid court of pleas and quarter ſeſſions of the county of Cocke, to appoint, from time to time, commiſſioners to mark and open a road from or near the town of Newport in ſaid county of Cocke, to croſs the mountains by the way of the old fields of Pigeon, into the ſtate of Georgia.

Sec. 2. *Be it enacted*, That it ſhall and may be lawful for ſaid court, after the road is opened and fit for travellers to paſs and repaſs, to eſtabliſh and fix a turnpike on ſaid road, at ſuch place as the commiſſioners appointed to open ſaid road may deem proper.

Sec. 3. *And be it enacted*, That when the turnpike ſhall be thus erected, the ſaid court ſhall appoint and employ a proper perſon to keep ſaid turnpike, who ſhall at the time of his appointment, enter into bond with approved ſecurity, to the court of ſaid county, in the ſum of two thouſand dollars, for the faithful diſcharge of the duties required by this act, and alſo in open court take and ſubſcribe the following oath, viz. "I *A. B.* do ſolemnly ſwear, that I will not exact, take, accept, or receive from any perſon or perſons who may paſs the turnpike I am employed to keep, any toll but what is pointed out by law, and that I will render a true account to this court, at ſuch time as they ſhall appoint, of all the monies by me received by virtue of my appointment. *So help me* God”

Sec. 4. *Be it enacted,* That the perſon employed as aforeſaid to keep ſaid turnpike, may aſk and receive from each and every perſon or perſons who may paſs ſaid turnpike, the following ſums, viz.—Waggon and team and load, ſeventy five cents; man and horſe, twelve and an half cents; footman, ſix and a fourth cents; led horſe, ſix and a fourth cents; four wheel carriage of pleaſure, team and load, one hundred and fifty cents; one chair horſe and rider, ſeventy five cents; cart, team, and load, thirty ſeven and an half cents.

Sec. 5. *Be it enacted,* That the perſon ſo employed by the court to keep ſaid turnpike as aforeſaid, ſhall at ſuch time as the ſaid court may appoint, account for and pay into the hands of the clerk of ſaid court, all monies by him received by virtue of his ſaid appointment, which monies ſhall be applied by the court to the keeping ſaid road in repair.

Sec 6. *Be it enacted,* That it ſhall be the duty of the ſaid clerk to keep on his docket, a fair and juſt account of all the monies he may receive from the keeper of ſaid turnpike, from time to time, and pay the ſame to the order of ſaid court; and in caſe of failure, he ſhall forfeit and pay double the ſum he may have ſo received from the keeper of ſaid turnpike, to be recovered by action of debt by the chairman of ſaid court.

Sec. 7. *Be it enacted,* That the ſaid clerk ſhall be entitled to receive for his ſervices in receiving, keeping and paying out ſaid monies, two & an half per cent. at each & every time the ſaid court may call on him for a ſettlement, which he is hereby authoriſed to detain in his own hands.

Sec 8. *Be it enacted,* That this act ſhall be in force from and after the paſſing thereof.

CHAP. XL.

An ACT to apportion the jurors of the different counties in the diſtrict of *Mero*.—(PASSED OCT. 26, 1799)

BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That from and after the paſſing of this act, that Davidſon county ſhall ſend ten jurors, Sumner ſeven, Smith four, Wilſon four, Robertſon five, Montgomery five, and Williamſon five to the ſuperior courts of Mero diſtrict, any law to the contrary notwithſtanding.

CHAP. XLI.

An ACT to amend the law reſpecting public *roads* and *ferries.*

(PASSED OCTOBER 26, 1799)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That from and after the paſſing of this act, the ſeveral county courts in this ſtate are hereby authoriſed and empowered to grant orders for the eſtabliſhing of any ferry or ferries, or diſcontinue any ferry or ferries, alſo grant orders to lay out any road or roads, or diſcontinue any road or roads, when it ſhall be found right ſo to do: *Provided always,* That two thirds of the acting juſtices in ſaid county be preſent when ſuch ferry or ferries be eſtabliſhed or diſcontinued, or ſuch order granted for laying out any road or roads, or diſcontinuing any road or roads.

Sec. 2. *Be it enacted,* That any ferry or ferries eſtabliſhed or diſcontinued, or any order granted for laying out any road or roads, or diſcontinuing any road or roads, other than by this act directed, the ſame ſhall be null and void, any law uſage or cuſtom to the contrary notwithſtanding.

CHAP. XLII.

AN ACT to amend the militia law.—(PASSED OCTOBER 26, 1799.)

WHEREAS the law now in force and uſe doth not authorize but one company of cavalry in each county: And whereas there are two regiments of infantry in ſome of the counties in this ſtate:

BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That from and after the paſſing of this act, one company of cavalry ſhall be raiſed in each regiment of infantry in this ſtate, under the ſame rules, regulations and reſtrictions as the companies of cavalry are now raiſed.

CHAP. XLIII.

AN ACT to prevent any juſtice of the peace from voting in his own election, for the office of clerk of the county court, ſheriff, regiſter, county truſtee, or ranger.—(PASSED OCTOBER 23, 1799.)

BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That from and after the paſſing of this act, it ſhall not be lawful for any juſtice of the peace being a candidate for the office of a county court clerk, ſheriff, regiſter, county truſtee, or ranger of his own county, to vote or ſit on the bench at ſuch election, any law, uſage, or cuſtom to the contrary notwithſtanding.

CHAP. XLIV.

AN ACT *to ſuſpend the operation of an act, entitled,* "An act for eſtabliſhing offices for receiving entries of claims for all vacant lands within this ſtate, and aſcertaining the method of obtaining titles to the ſame," paſſed at Knoxville, the fifth day of January, 1799.—(PASSED OCTOBER 23, 1799.)

BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the operation of an act, entitled "An act for eſtabliſhing offices for receiving entries of claims for all vacant lands within the ſeveral counties in this ſtate, and aſcertaining the method of obtaining titles to the ſame," paſſed at Knoxville the fifth day of January 1799, is hereby ſuſpended until the end of the next ſtated ſeſſion of the general aſſembly.

CHAP. XLV.

AN ACT *for the inſpection of tobacco*—(PASSED OCTOBER 26, 1799.)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That no tobacco be exported from this ſtate, except the ſame be packed in hogſheads or caſks, and inſpected according the directions of this act.

Sec. 2. *Be it enacted,* That public inſpections ſhall be held for tobacco at the places herein after mentioned, that is to ſay: Naſhville, Wayneſborough and Hayſborough, in Davidſon county, Cairo, and Jas. Saunders's, in Sumner county; Bledſoeſborough in Smith county; Clarkſville and Port Royal, in Montgomery county; Greeneville, in Greene county.

Sec. 3. *Be it enacted,* That all tobacco which ſhall be brought to any of the above mentioned places ſhall be viewed, inſpected and examined by two perſons, to be thereto appointed in the following manner, that is to ſay:- The courts of the ſeveral counties, wherein a place for public inſpection may be eſtabliſhed, are hereby required, once in every year or oftener if neceſſary, at their reſpective county courts, to appoint two fit and qualified perſons for each place of public inſpection.

Sec. 4. *Be it enacted,* That every perſon appointed inſpector by virtue of this act, ſhall before he enters upon the execution of his office, give bond, with good ſecurity, under the penalty of three thouſand dollars, payable to the governor for the time being, and his ſucceſſors, with condition for the true and faithful performance of his duty, according to the directions of this act, which ſaid bond ſhall be depoſited with the treaſurer of the diſtrict. And every ſuch inſpector ſhall take the following oath at the time he gives the bond, that is to ſay—"You ſhall ſwear, that you will diligently and carefully examine and view all tobacco brought to the place of inſpection when you are appointed inſpector, and that not ſeparately and apart from your fellow, but in his preſence; and that you will not receive or paſs any tobacco that is not in your judgment ſound, well conditioned, merchantable, and clear of traſh, nor receive, paſs or ſtamp any tobacco hogſhead or caſks of tobacco contrary to the true intent and meaning of this act, nor refuſe any tobacco that in your judgment is ſound, well conditioned, merchantable and clear of traſh: But that you will in all things faithfully diſcharge your duty as inſpector of tobacco, according to the beſt of your ſkill and judgment, and according to the directions of this act, without favour, fear, affection or partiality. So help me God.

Sec. 5. *Be it enacted*, That it ſhall be the duty of ſaid inſpectors to attend at the place for which they ſhall be appointed, whenever they ſhall be deſired ſo to do; and for every neglect to attend, ſhall forfeit and pay to the party grieved, two dollars, or ſhall be liable to an action on the caſe at the ſuit of the party grieved to recover all ſuch damages as he or they ſhall have ſuſtained, by occaſion of any ſuch neglect, together with his or their full coſts, at the election of the party.

Sec. 6 *Be it enacted*, That all perſons having tobacco at the public ware-houſes, may have equal juſtice, the inſpectors ſhall enter in a book to be kept for that purpoſe, the marks and owners' names of all tobacco brought to their reſpective warehouſes for inſpection, as the ſame ſhall be brought in, and ſhall view and inſpect the ſame in due turn, as it ſhall be entered in ſuch books without favour or partiality, and ſhall uncaſe and break every hogſhead or caſk of tobacco brought them to be inſpected as aforeſaid; and if they ſhall agree that the ſame is good, ſound, well conditioned, merchantable, and clear of traſh, then ſuch tobacco ſhall be weighed in ſcales, with weights of lawful ſtandard; and the hogſhead or caſk, ſhall be ſtamped in the preſence of the ſaid inſpectors, or one of them, with the name of the warehouſe at which inſpected, and alſo the tare of the hogſhead or caſk, and quantity of neat tobacco therein contained; & the inſpectors at ſuch warehouſes ſhall iſſue a receipt for each hogſhead of tobacco they ſhall paſs, if required by the owner, which receipt ſhall be in the form following:

River.	*Warehouſe.*
the — day —, 17—,	RECEIVED of —— hogſheads, of crop tobacco, marks, numbers, weights and ſpecies, as per margin, to be delivered by us to the ſaid— or his order, for exportation, when demanded,
Sweet ſcented Oronoko Loaf Stemmed Loaf Marks. No. Groſs. Tare Nett.	Witneſs our hands,

And no inſpector or inſpectors, ſhall under any pretence whatſoever, iſſue a receipt for any tobacco other than ſuch as ſhall be printed, in which the date ſhall be inſerted at full length. And if any inſpector or inſpectors, ſhall preſume to iſſue a receipt in any other manner than is hereby expreſſed, he or they, for every ſuch offence, ſhall forfeit and pay the ſum of two hundred dollars, to be recovered with coſts by any perſon who may ſue for the ſame, in any court of record within this ſtate, which receipts as aforeſaid ſhall be furniſhed by the inſpectors. And the inſpectors at each of the warehouſes eſtabliſhed by this act, ſhall conſtantly keep ſo many able hands at their reſpective warehouſes as the courts of the ſeveral counties wherein they lie, ſhall from time to time judge neceſſary and direct, for the purpoſe of taking care of all tobacco bro't to ſuch warehouſe, & ſtowing it away after the ſame ſhall be inſpected and ſtamped. And no inſpector ſhall by himſelf, his ſervant, any other perſon, either directly or indirectly, be concerned in picking any refuſed tobacco, unleſs it be his own property, on any pretence whatſoever, under the penalty of being forever thereafter diſabled from holding the office of inſpector.

Sec. 7. *Be it enacted*, That for every hogſhead of tobacco brought to any of the warehouſes, which has been inſpected agreeable to this act, there ſhall be paid to the inſpectors attending at ſuch warehouſes, by the owner, at the time of demanding the ſame, the ſum of one dollar; and the owners of the tobacco ſhall find and provide nails ſufficient for ſecuring and nailing thereof. And where they ſhall fail ſo to do, the inſpectors at ſuch warehouſe ſhall nails for the purpoſe aforeſaid; and ſhall be allowed and paid by the owner, twenty five cents for each hogſhead ſo ſecured. And for reſtraining the undue practice of mixing traſh with ſtemmed tobacco, and preventing the packing tobacco in unſizeable caſks, *Be it enacted*, That all ſtemmed tobacco not laid ſtraight, whether the ſame be packed looſe, or in bundles ſhall be accounted unlawful tobacco; and that no tobacco packed in hogſheads which exceeds fifty inches in the length of the ſtave, or thirty two inches at the head within the croaſe, making reaſonable allowance for preſſing, which allowance ſhall not exceed two inches above the guage in the priſing head, ſhall be paſſed or received; but the owner of ſuch tobacco packed in caſks of greater dimenſions than before expreſſed, ſhall be obliged to repacked the ſame in ſizeable caſks at his own charge, before the ſame ſhall be received or ſtamped by the inſpectors.

Sec. 8. And whereas there are no warehouſes yet built, and it is neceſſary for the ſafe keeping of ſaid tobacco, that ſome encouragement ſhould be given for the building of the ſame, *Be it entaced*, That if any perſon or perſons ſhall hereafter build at any of the places of inſpection aforeſaid, a warehouſe that ſhall be deemed by the court of the county ſufficient to keep ſaid tobacco in ſafety from injuries, ſaid perſon ſhall be allowed for ſtorage of each hogſhead for the firſt month, at the rate of fifty cents, and for every ſucceeding month, at the rate of twenty-five cents, which ſaid monies ſhall be paid by the perſon taking away ſaid tobacco, to the inſpectors, who ſhall be accountable to the owner of ſaid warehouſe for all ſuch monies ſo received.

CHAP. XLVI.

AN ACT to appoint electors to elect a Preſident and Vice Preſident of the United States.—(PASSED OCTOBER 26, 1799)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That three electors ſhall be elected, one in the diſtrict of

Waſhington; one in the diſtrict of Hamilton; and one in the diſtrict of Mero, as directed by this act, to elect a preſident and vice preſident of the United States, and that the ſaid electors may be elected with as little trouble to the citizens as poſſible.

Sec. 2. *Be it enacted*, That Joſeph Crouch, Jacob Brown, eſq. and colonel John Blair, of the county Waſhington; John Rhea, John Spurgen and Robert Alliſon of Sullivan county; James Stinſon, John Ruſſel, and Hezekiah Balch of the county of Greene; of the county of Hawkins, Joel Dyer, James Hogan and William Armſtrong, eſquires; Alexander Greer, Jonathan Tipton, captain, and Pharoah Cobb of the county of Carter, are appointed electors, to elect an elector for that purpoſe, for the diſtrict of Waſhington. Joſeph Greer, Charles M'Clung and John Adair, of the county of Knox; Chriſtopher Haynes, Andrew Henderſon and Thomas Snoddy, of the county of Jefferſon; Iſaac Thomas, William Henderſon and John Clack, of the county of Sevier; David Craig, John Singleton and Samuel Bogle, of the county of Blount; John Inman, Peter Fine and Iſaac Leonard, of the county of Cocke; Henry Howell, George Bean and Michael Maſſingale, of the county of Grainger, are appointed electors to elect an elector for the purpoſe aforeſaid, for the diſtrict of Hamilton. James Robertſon, George Ridley and Joſeph Hooper, eſq. of the county of Davidſon; George Smith, Samuel Donelſon and Edward Douglaſs, of the county of Sumner; Duncan Stuart, John Hogan and Haydon Wells of the county of Montgomery; John Baker, John Jones and Thomas Johnſon, of the county of Robertſon; Michael C Sweetman, John Harpole and John Alcorn, of the county of Wilſon; Grant Allen, Tilman Dixon & Henry M'Kinney, of the county of Smith; Henry Rutherford, Abraham Maury and John Walthal, of the county of Williamſon, are appointed electors, to elect an elector in the diſtrict of Mero, for the purpoſe aforeſaid.

Sec. 3. *Be it enacted*, That no perſon ſhall be elected an elector for the purpoſe aforeſaid who has not been three years a reſident in the diſtrict for which he is elected, immediately preceeding the day of his election.

Sec. 4. *Be it enatced*, That the electors in this act before named, ſhall convene, thoſe for the diſtrict of Waſhington, at Joneſborough; thoſe for the diſtrict of Hamilton, at Knoxville; and thoſe for the diſtrict of Mero, at Naſhville, on the ſecond Monday of November, in the year one thouſand eight hundred; and being ſo convened, they, or ſo many of them, as ſhall attend on ſaid day, proceed to elect by ballot, an elector qualified as by this act directed for the purpoſe aforeſaid: *Provided nevertheleſs*, That no perſon ſhall be elected an elector, who is not qualified as by law required, to be a member of the general aſſembly. And if two or more perſons ſhall have the ſame number of votes, it ſhall be decided in the ſame manner as grand jurors are drawn for in the ſuperior courts.

Sec. 5 *Be it enacted*, That the electors before named, for each diſtrict reſpectively, ſhall give to the perſon elected as aforeſaid, a certificate under their hands and ſeals, of his election aforeſaid, which certificate ſhall be atteſted by a juſtice of the peace, ſummoned for that purpoſe.

Sec. 6. *Be it enacted*, That the three electors, elected as by this act directed, ſhall convene at Knoxville, on the firſt Wedneſday in December, in the year one thouſand eight hundred, and proceed to elect a preſident and vice-preſident of th United States, purſuant to an act of congreſs in ſuch caſe made and provided.

Sec. 7 *Be it enacted*, That each of the electors elected for the purpoſe aforeſaid, ſhall be allowed the ſum of one dollar and ſeventy five cents, for every twenty five miles he ſhall travel to and from the ſaid place of election, and the ſame for each day he ſhall neceſſarily attend, in performing the duties enjoined by this act, to be aſcertained on oath before a juſtice of the peace, who ſhall give certificate thereof, under his hand and ſeal, which being counterſigned by the governor, ſhall be a ſufficient warrant for the treaſurer to pay the ſum therein mentioned to be due: *Provided nevertheleſs*, That nothing herein contained, ſhall be ſo conſtrued as to make any compenſation to the electors herein named, for electing the electors of preſident and vice preſident of the United States.

Sec. 8. *Be it enacted*, That the perſons by this act appointed to elect electors, to elect a preſident and vice preſident of the United States, before they enter on the duties of their office, ſhall take an oath to ſupport the conſtitution of the United States, and alſo the conſtitution of this ſtate; and the electors to elect a preſident and vice-preſident, ſhall in like manner take the ſame oaths.

CHAP. XLVII.

AN ACT directing when juſtices of the peace ſhall qualify and to prevent their acting in counties in which they do not reſide.—(PASSED OCTOBER 26, 1799.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That any perſon who has heretofore, or who hereafter may be appointed a juſtice of the peace, and ſhall not qualify within twelve months after ſuch appointment, ſuch perſon ſhall not be allowed or admitted to qualify, unleſs re-appointed.

Sec. 2. *Be it enacted*, That where any juſtice of the peace hath removed himſelf, or ſhall hereafter remove himſelf out of the county for which he was appointed, and ſhall not return within twelve months to reſide therein, ſuch appointment ſhall be null and void; and in caſe any ſuch juſtices ſhall in any manner preſume to act in the county for which he was appointed, after ſuch removal, unleſs re-appointed, he ſhall forfeit and pay for every ſuch offence the ſum of fifty dollars, to be recovered by action of debt, one half to the uſe of the ſtate, and the other half to the perſon ſuing for the ſame.

CHAP. XLVIII.

AN ACT aſcertaing what officers ſhall in future attend the ſuperior courts.—(PASSED OCT. 26, 1799.)

BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That from and after the paſſing of this act, the ſheriffs of the different counties within this ſtate, ſhall not be bound to attend any of the ſuperior courts, after making their legal returns, except the ſheriff and his deputies of the county wherein ſuch ſuperior court ſhall be held, any law to the contrary notwithſtanding.

CHAP. XLXIX.

An ACT to enable Benjamin Seawell and Suſannah Seawell his wiſe, as truſtees, to take into their hands and poſſeſſion, ſuch part of the eſtate of Thomas Tulloch, dec. as may be found within the limits of this ſtate, and to ſell and diſpoſe of the ſame, agreeably to the laſt will and teſtament of the ſaid teſtator.——(PASSED OCT. 26, 1799)

WHEREAS it has been duly repreſented to this general aſſembly, that Thomas Tulloch, late of Beaufort county, in the ſtate of North Carolina, on or about the tenth day of January, in the year one thouſand ſeven hundred and eighty five, departed this life, having made his laſt will and teſtament, and therein appointed his wife Suſannah Tulloch (now the wife of Benjamin Seawell) James Cole Montflorence, Andrew Armſtrong and Robert Freear, his executors; that Robert Freear, and Suſannah Tulloch, (now Suſannah Seawell) refuſing to act, James Cole Montflorence & Andrew Armſtrong only, took upon themſelves the executorſhip, and execution of the will of their teſtator. That Andrew Armſtrong and Robert Freear, two of the executors named in the will, are ſince dead & James C. Montflorence, hath removed himſelf beyond the limits of the United States, leaving a conſiderable part of the eſtate of ſaid Thomas Tulloch, dec. which is within the limits of this government, unadminiſtered and undiſpoſed of, agreeable to the true intent and meaning of the will of ſaid teſtator. And whereas it is abſolutely neceſſary and expedient for the ſafe keeping and better ſecuring ſuch eſtate, as well for the benefit and advantage of creditors, if any there be, as alſo for the advantage, and more convenient and ſpeedy diſtribution of the eſtate, to ſuch perſons as may have right to claim under the will of the teſtator, or otherwiſe, that ſome perſon or perſons ſhould be appointed with ſufficient power and authority, to uſe all legal means, to recover and poſſeſs themſelves of ſuch eſtate, as ſhall be found within this government, and to diſpoſe of the ſame, according to the true intent and meaning of the will of the aforeſaid teſtator:

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That Benjamin Seawell and Suſannah Seawell, his wife, be, and they are hereby appointed as truſtees, and by virtue of this act, to take into their hands and poſſeſſion all ſuch eſtate, as ſhall or may be found unadminiſtered, or in any wiſe undiſpoſed of within the limits of this government, and diſpoſe of, and appropriate the ſame to ſuch uſes and purpoſes, and in the ſame manner and form as by the will of the aforeſaid teſtator, is directed to be done and performed.

Sec. 2. *And be it further enacted*, That in all caſes where the aforeſaid truſtees ſhall deem it neceſſary for the recovery of any eſtate of the ſaid teſtator, or any part or portion thereof, as ſhall be detained from them in any wiſe whatever, the ſaid truſtees are hereby veſted with full power and authority in all and every ſuch caſe, as may ſo happen in anywiſe whatever, to inſtitute a ſuit or ſuits, as the caſe may be, in their joint names, as truſtees, &c. for the recovery of the ſame, and in all caſes of any contract or ſale that ſhall be made and entered into by ſaid truſtees, by virtue of this act, and the powers therein given to them for any part of the eſtate herein intended to be ſold and diſpoſed of, to grant and make conveyances either by deed or otherwiſe, as the nature of the caſe may require, and where it ſhall be neceſſary to give diſcharges or releaſes, and in all reſpects to exerciſe every power and authority, which by the will of the ſaid teſtator, his executors therein named, might or could have exerciſed, and to do all and every legal act, which by the laws of the land, executors uſually exerciſe and do.

Sec. 3. *Be it enacted*, That the aforeſaid truſtees, before they ſhall proceed to the execution of their office or appointment, under the authority of this act, ſhall exhibit or cauſe to be exhibited, a copy of the laſt will and teſtament of the aforeſaid Thomas Tulloch, deceaſed, to the county court of Sumner, and if it ſhall appear to the ſaid court; to be duly certified and authenticated agreeable to law, in ſuch caſe made and provided, to admit the ſame to be recorded in the ſame manner as an original will, and the clerk of ſaid court ſhall give a certificate of the ſame to the ſaid truſtees, which ſhall be ſufficient authority for them to proceed to the execution of their office and appointment by virtue of this act, and the ſaid truſtees ſhall from time to time as ſoon as conveniently it can be done, after any ſuch eſtate ſhall come to their hands or poſſeſſion, to return on oath, an inventory of the ſame, to the court of Sumner county, which ſhall be recorded in the uſual manner, that inventories are recorded, and to return on oath, the amount of all ſuch ſales as they ſhall make, purſuant to this act, and the clerk of ſaid court for his ſervices as aforeſaid, ſhall receive ſuch fees, as is uſual in caſes where original wills have been admitted to probation, and letters teſtamentary have been iſſued, &c. &c. &c.

Sec. 4. *Be it enacted*, That the aforeſaid truſtees, ſhall be accountable and liable in all and every reſpect wherein the executors of the ſaid teſtator, might or could have been liable and accountable under the will of their teſtator, either to the heirs, legatees, deviſees, or creditors of the ſaid Thomas Tulloch, deceaſed, for all ſuch eſtate or aſſets that ſhall come into their hands and poſſeſſion, and to all and every perſon or perſons whatever, having right to claim ſuch eſtate or any part thereof; and the ſaid truſtees for their trouble, labour, and expences in attending to the duties of their appointment as aforeſaid, ſhall be allowed by the court of Sumner county out of ſuch aſſets as ſhall come to their hands and poſſeſſion, ſuch ſum or ſums of money as ſaid court ſhall in their opinion think reaſonable.

Sec. 5. *Be it enacted*, That all and every act or acts, and things done and performed in anywiſe whatever, by the ſaid Benjamin Seawell and Suſannah Seawell, in purſuance of the powers and authorities veſted in them, by virtue of this act, ſhall be good and valid and binding in law, againſt all perſon or perſons of any deſcription whatever, any law, uſage or cuſtom to the contrary notwithſtanding.

CHAP. L.

AN ACT *to repeal ſo much of an act, entitled,* "An act for dividing the Davidſon regiment of militia into two ſeparate and diſtinct regiments," *as relates to the holding ſeparate and diſtinct elections in the town of Wayneſborough for governor, repreſentative or repreſentatives to the Congreſs of the United States, and members of the general aſſembly of this ſtate.*—(PASSED OCT. 23, 1799.)

BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the fourth and fifth ſections of the above recited act, are hereby repealed and declared null and void, any thing to the contrary notwithſtanding.

CHAP. LI.

AN ACT to aſcertain the boundaries of land, and for perpetuating teſtimony.—(PASSED OCT. 23, 1799.)

WHEREAS great inconveniences may ariſe to the citizens of this ſtate in caſe of the death of the only perſon or perſons by whom the improvements, boundaries and ſpecialties of their entries can be eſtabliſhed, and on which their titles to land depend. For remedy whereof,

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That it ſhall and may be lawful for the county court, on application of any perſon or perſons claiming lands within the ſaid county, to order their clerk to iſſue a warrant directed to any three or more juſtices of the peace for ſaid county, or other fit perſons who ſhall be named commiſſioners, they or any two of them to attend ſuch perſon or perſons making application for the ſame at their improvements, boundaries or other ſpecial place called for in their entries or patents, and the commiſſioners ſo appointed ſhall have full power, and they are hereby required to qualify and examine ſuch witneſs or witneſſes, touching the premiſes as are required to come before them for that purpoſe, and ſuch examination to take in writing, which ſhall be ſigned by the deponent or deponents, and teſted by the commiſſioners, who ſhall tranſmit the ſame to the clerk of the ſaid court, and the ſaid clerk ſhall enter the ſame on record; and ſuch depoſition or depoſitions ſhall be as valid in a court of juſtice as the teſtimony of the deponent or deponents would have been if living, and taken in open court, and every perſon making application to the court for the purpoſe aforeſaid, ſhall have to attend him or them at his or their improvement, boundary or other ſpecial place called for in his entry or patent about to be proved, two or more diſintereſted perſons, being reſident of ſaid county who ſhall be preſent when the witneſs or witneſſes may be ſworn and examined, and it ſhall be lawful, if to the commiſſioners it appears neceſſary, to cauſe the trees to be marked afreſh, or do whatever elſe in their judgment may be deemed proper to perpetuate the improvement, boundary, or ſpecial place called for in the entry or patent on which the title to ſuch land may depend. *Provided however,* That any thing done in purſuance of this act, ſhall in no wiſe affect the title of the aforeſaid land or lands adjacent or interfering claims of any perſon or perſons, bodies politic or corporate, but only relate to the boundary of the land, improvement or ſpecial place called for in the ſaid entry or patent: *Provided alſo,* That no depoſition taken under the authority of this act, ſhall be admitted as teſtimony in any court in this ſtate, if the deponent is living and can be had in open court.

Sec. 2 *Be it enacted,* That any perſon or perſons applying for commiſſioners agreeable to this act, ſhall give thirty days previous notice, to the owner or owners, their agents or attorney, if known, who may have lands adjoining, of the time and place of meeting, to prove the boundary, improvement or ſpecial place called for in their entry or patent, and if the owner or owners, their agent or attorney, ſhould not be known, or reſide out of the ſtate, the applicant ſhall have the ſame twice publiſhed in the neareſt Gazette to which ſuch land ſhall be ſituate, deſcribing as nearly as may be, the improvement, boundary or ſpecial, called for in ſaid entry or patent, about to be proved.

Sec. 3. *Be it enacted,* That when any perſon ſhall make application to the court, for the purpoſes above mentioned, it ſhall be the duty of the ſaid court, to direct their clerk to iſſue a ſubpœna for ſuch witneſs or witneſſes, as the applicant may deſire; and ſuch ſubpœna or ſubpœnas ſhall be directed to the ſheriff or conſtable of the county where ſuch witneſs or witneſſes may reſide; and the ſaid ſheriff or conſtable is hereby required to execute the ſame without delay, and make return thereof to the party at whoſe inſtance ſuch ſubpœna iſſued, which ſhall be returned by the ſaid party and filed in the clerk's office.

Sec. 4. *Be it enacted*, That the clerk ſhall be allowed the ſum of thirty cents for iſſuing the warrant to the commiſſioners, and twenty-five cents for recording each depoſition, and the commiſſioners ſhall each be allowed one dollar per day for their ſervices; each witneſs ſhall be allowed one dollar for every twenty five miles he or they may travel in going to, and returning from the place he or they are ſummoned to attend, and ſeventy five cents for each day he or they may neceſſarily be detained at the place about to be proved, and ſhall be under the ſame penalties, and forfeitures and reſtrictions in caſe of his failing or refuſing to attend, and give teſtimony, he would, provided, he was ſummoned to attend court, the whole of the expence to be paid by the party applying to have the buſineſs done: *Provided nevertheleſs*, That nothing herein contained, ſhall be conſtrued to extend to the lands ſouth of French Broad, between the rivers Big Pigeon and Tenneſſee.

CHAP. LII.

AN ACT *to prevent abuſes in taking up ſtray horſes, cattle, hogs & ſheep.*

(PASSED OCTOBER 26, 1799.)

WHEREAS it becomes difficult to recover ſtray horſes, cattle, ſheep and hogs, for want of ſome legal meaſures to effect the ſame: For remedy whereof,

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That each and every ranger in this ſtate ſhall hold his office during good behaviour, and that every freeholder who ſhall take up any ſtray horſe, mare, or colt, neat cattle, hog or ſheep, ſhall within ten days after the taking up ſuch ſtray, the owner of ſuch ſtray or ſtrays being to him unknown, make information on oath or affirmation, before the ranger, or ſome juſtice of the peace of the county wherein ſuch ſtray or ſtrays ſhall be ſo taken up, of the marks, brands and color of each and every ſuch ſtray or ſtrays, and that the ſame was taken up at his or her plantation, and that the marks or brands have not been altered, or defaced by means of, or to the knowledge of ſuch taker up, and that ſuch ſtray or ſtrays came to his or her plantation without his or her knowledge or procurement, whereupon ſuch ranger or juſtice of the peace is hereby required to iſſue a ſummons to any two freeholders of the neighborhood who ſhall take the following oath, to wit: "You do ſolemnly ſwear, (or affirm as the caſe may be) that you will well and truly view and appraiſe the ſtray or ſtrays here brought before you, without favor or partiality, to the beſt of your ſkill and judgment. *So help you God.*" Said oath to be adminiſtered by the ranger, or ſome juſtice of the peace of the county where ſuch ſtray or ſtrays have been taken up, and ſaid appraiſers ſhall view and appraiſe ſuch ſtray or ſtrays, and make return thereof to the ſaid ranger under their hands and ſeals, which appraiſement, with a particular and exact deſcription of the natural and artificial marks, brands, age and color, as near as can be aſcertained, of each and every ſuch ſtray or ſtrays, together with the time of taking up and place of abode of the perſon taking up the ſame, ſhall by ſuch ranger be entered in a book, to be by him kept for that purpoſe, and ſhall during the ſitting of the four next ſucceeding courts in the county where ſuch entry ſhall be made, put up an advertiſement at the court houſe on the firſt day of each term, deſcribing therein the kind, marks, brands and color of all ſtrays entered as aforeſaid.

Sec. 2. *Be it enacted*, That the taker up of any horſe, mare, gelding, or colt, ſhall take the ſame to the court houſe, or place of holding courts in each county, the ſecond day of each term, for one year after taking up ſuch eſtray or eſtrays, and ſecure ſuch in the pound or place where the juſtices of ſaid court ſhall direct, as provided for by this act, from twelve until four o'clock on the ſame days, and if any taker up of any horſe, mare, gelding or colt, ſhall fail to comply with the requiſitions of the before recited act, he or ſhe ſo failing, ſhall for every ſuch offence, forfeit and pay the ſum which ſaid eſtray or eſtrays was appraiſed to, to be recovered by action of debt, before any juriſdiction having cognizance thereof, to be applied to the uſe the of county, and it ſhall be the duty of the ranger to ſue for the ſame, who ſhall be allowed on all ſuch ſums ſo recovered and accounted for, five per cent. out of ſuch monies ſo recovered and received.

Sec. 3. *Be it enacted*, That the property of every eſtray horſe, mare, gelding, colt, neat cattle, hog or ſheep, twelve months after ſuch appraiſement, and no property proved by the owner thereof, ſhall be deemed to be veſted in the perſon taking up the ſame: *Provided nevertheleſs*, That it ſhall and may be lawful where the former owner of any ſuch eſtray or eſtrays at any time within twelve months after ſuch appraiſement as aforeſaid, on proving his property by his own oath, or otherwiſe, to demand and recover the ſame eſtray or eſtrays, the claimant firſt paying the ranger's fee.

Sec. 4. *Be it enacted*, That where the taker up of any ſuch eſtray or eſtrays, ſhall have been at any expence for keeping and maintaining the ſame, it ſhall and may be lawful for him to retain the ſame, until the owner thereof ſhall pay all ſuch expence, which ſhall be aſcertained in the following manner, that is to ſay: the taker up ſhall obtain from ſome juſtice of the peace, a warrant empowering three freeholders to be named by the ſaid juſtice, to declare on oath or affirmation, to examine witneſſes if neceſſary, how much ſaid taker up ought to demand and receive for the keeping and maintenance of ſuch eſtray or eſtrays, and ſuch ſum as ſhall by the ſaid freeholders or any two of them, be ſo declared, ſhall be the ſum which the taker up ſhall be entitled to demand and receive, before the owner can take the ſame out of his or her poſſeſſion.

Sec. 5. *Be it enacted*, That at the expiration of twelve months, each and every perſon ſo taking up any ſtray or ſtrays, and not proved by the owner thereof, ſhall account for, and pay into the hands of the county treaſurer, two thirds of the appraiſed value of all ſuch ſtray or ſtrays, and in caſe any perſon taking up any ſuch ſtray or ſtrays according to the true intent and meaning of this act, ſhall neglect to account with the ſaid treaſurer for the ſame, he or ſhe ſo failing ſhall forfeit and pay the appraiſed value of all ſuch ſtray or ſtrays ſo taken up, to be recovered by action of debt before any juriſdiction having cognizance thereof, and it ſhall be the duty of the county treaſurer to commence ſuit reſpectively againſt all delinquents for the recovery of the ſame, who ſhall be entitled to receive five per cent. for his commiſſion on all monies ſo recovered and received, and the balance the ſaid treaſurer is hereby authoriſed to receive and account for, in the ſame manner as other county monies.

Sec. 6. *Be it enacted*, That it ſhall and may be lawful for the former owner thereof, at any time, on proving his property by one or more indifferent witneſſes, to demand and receive from the county treaſurer, two thirds of the appraiſed value of all ſuch ſtray or ſtrays ſo accounted for as aforeſaid, deducting thereform, the treaſurer's commiſſion of two and half per cent for receiving and accounting for the ſame.

Sec. 7. *Be it enacted*, That if after the appraiſement of any ſtray horſe, mare, gelding, colt, neat cattle, hog or ſheep, and entry thereof being made with the ranger as aforeſaid, ſhould happen to die or make its eſcape within twelve months after ſuch appraiſement, the perſon taking up ſuh ſtray or ſtrays ſhall not be chargeable for the ſame unleſs ſuch death or eſcape, be occaſioned by ill uſage, negligence or abuſe.

Sec. 8. *Be it enacted*, That if any perſon ſhall preſume to take up any ſuch ſtray or ſtrays, at any place other than his or her own land, or ſhall make uſe of any ſuch ſtray or ſtrays before the ſame ſhall be appraiſed as aforeſaid, he, ſhe or they ſo offending, ſhall forfeit for every ſuch offence, the ſum of twenty dollars, to the uſe of the informer, to be recovered by action of debt, with coſt, before any juriſdiction having cognizance thereof, and be further liable to an action on the caſe at the ſuit of the party aggrieved: *Provided nevertheleſs*, That nothing herein contained, ſhall extend to prevent any perſon from taking up any ſtray or ſtrays of any kind, and carrying the ſame immediately to the owner thereof.

Sec. 9. *Be it enacted*, That for the more ſpeedy recovery of ſtrays, it ſhall and may be lawful for any perſon, at any time hereafter, to ſearch the ranger's books by this act directed to be kept in each county in this ſtate, for any information he may want, as to any horſe, mare, gelding, colt, neat cattle, hog or ſheep, which heretofore has, or hereafter may ſtray away from the owner thereof, the perſon requeſting ſuch ſearch firſt paying twelve and a half cents therefor, to the ranger keeping ſuch book.

Sec. 10. *Be it enacted*, That the ranger of each county ſhall receive the following fees for his ſervices, to be paid by the perſon cauſing ſuch entry to be made; for every horſe, mare, gelding or colt, the ſum of fifty cents; for each head of cattle, twenty five cents; for each hog or ſheep, ſix and one fourth cents.

Sec. 11. *Be it enacted*, That the juſtices of each county court within this ſtate, are hereby authoriſed to iſſue their warrant on the county treaſurer, for ſuch ſum or ſums of money as ſaid court may think neceſſary, for the purpoſe of erecting a pound, for the ſafe keeping of all ſuch eſtrays, as are above mentioned.

Sec. 12. *Be it enacted*, That nothing herein contained, ſhall be ſo conſtrued, as to prevent any perſons living ſouth of French Broad, Holſton and Big Pigeon rivers, within the ſeveral counties of this ſtate, holding lands by right of occupancy and and pre emption, and all other perſons within the limits of this ſtate, holding lands by bond, and living on the ſame, from the privilege, in as full and ample manner, as any freeholder within this ſtate, to take up any ſtray or ſtrays as by this act directed.

Sec. 13. Be *it enacted,* That all laws and parts of laws reſpecting the taking up of ſtrays of every deſcription, heretofore in uſe within this ſtate, are hereby repealed and made void.

CHAP LIII.

An ACT making compenſation to *Henry Conway* (PASSED OCT 26, '99)

BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That Henry Conway be allowed the ſum of thirty eight dollars & twenty cents as a compenſation for his trouble and expence, for conveying two priſoners from the jail of Greene county, to the diſtrict jail of Hamilton; alſo, the body of one priſoner from the diſtrict jail of Hamilton, to the diſtrict jail of Waſhington.

CHAP. LIV.

An ACT making compenſation to *John Hamilton* (PASSED OCT. 26 1799.

WHEREAS it hath been made appear, that John Hamilton, attorney general for Mero diſtrict, attended at Knoxville, in the year 1798, on public buſineſs, purſuant to an order from the governor of this ſtate, and compenſation for ſuch ſervices, not being provided for by law:

Sect. 1. *Be it enacted by the General Aſſembly of the State of Tenneſſee,* That ſaid John Hamilton be allowed the ſum of thirty dollars, as full compenſation for his ſervices aforementioned, and that the treaſurers or either of them, pay the ſame, and his receipt ſhall be good in the ſettlement of their, or either of their accounts.

CHAP. LV.

An ACT making compenſation to *Hopkins Lacy,* for his ſervices as attorney general, for the diſtrict of *Waſhington,* under the territorial government.—(PASED OCT. 26 1799.)

BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the ſum of two hundred dollars be appropriated for the payment of Hopkins Lacy, as full compenſation for his ſerviſes as attorney general, in and for the diſtrict of Waſhington, under the territorial government, and that the treaſurer or treaſurers of this ſtate, pay the ſaid Hopkins Lacy the ſum in this act directed, and his receipt ſhall be a ſufficient voucher, in the hands of ſuch treaſurer, in the ſettlement of his accounts.

CHAP. LVI.

An ACT for appropriating certain monies therein mentioned. —(PASSED OCT. 26, 1799.

WHEREAS the building and keeping in repair, a court houſe, priſon and ſtocks in the town of Naſhville, for the diſtrict of Mero, will be attended with ſuch expence, as to become burthenſome to the people of Davidſon county. For remedy whereof:

BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That all monies hereafter ariſing from fines and forfeitures impoſed on public offenders, by the ſuperior court of Mero diſtrict, and county court of Davidſon, ſhall be hereafter appropriated to the purpoſe of building and keeping in repair a court houſe, priſon and ſtocks in the town of Naſhville, and ſhould there be at this time, any monies that have ariſen from fines and forfeitures in the hands of the county truſtee of Davidſon, ſaid monies ſhall be appropriated for the aforeſaid purpoſe and the commiſſioners appointed to ſuperintend the building of a court houſe and ſtocks in ſaid town of Naſhville, are hereby authoriſed and directed, to demand and receive from ſaid county truſtee, whatever monies may be remaining in his hands, and their receipt ſhall be good to ſaid truſtee in his ſettlement, any law to the contrary notwithſtanding.

CHAP. LVII.

AN ACT *making compenſation to Thomas Rutherford, keeper of the jail of Mero diſtrict, for keeping the body of John Fallin, who was taken out of his cuſtody by order of the governor of this ſtate* (PASSED OCT 23, '99)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That whereas Thomas Rutherford, jailor as aforeſaid, hath made ſatisfactory proof, that amount of expence for keeping ſaid Fallin, is thirty two dollars.

Sec. 2 *Be it enacted,* That the ſum of thirty two dollars, is hereby appropriated out of any monies in the treaſury of Mero diſtrict, not already appropriated, and the treaſurer of ſaid diſtrict is hereby required to pay the ſame, and ſaid Thomas Rutherford's receipt ſhall be good in the ſettlement of his accounts with the ſtate, for the ſaid ſum of thirty two dollars.

CHAP LVIII.

AN ACT making compenſation to *Archibald Roane* and *Andrew Jackſon,* for their ſervices as attornies general under the territorial government—(PASSED OCTOBER 26, 1799)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the ſum of two hundred dollars ſhall be, and the ſame is hereby appropriated for the payment of the ſum due Archibald Roane as a full compenſation for his ſervices as attorney general for the diſtrict of Hamilton, under the territorial government.

Sec. 2. *Be it enacted,* That the ſum of four hundred dollars ſhall be and the ſame is hereby appropriated, for the payment of the ſum due Andrew Jackſon, as a full compenſation for his ſervices as attorney general for the diſtrict of Mero, under the territorial government.

Sec. 3. *Be it enacted,* That the treaſurer or treaſurers of this ſtate, is or are hereby required and directed to pay to the ſaid Archibald Roane and Andrew Jackſon the ſums of money in this act directed, out of any monies not otherwiſe appropriated, and their receipts ſhall be ſufficient vouchers in the hands of the treaſurer in the ſettlement of their accounts.

CHAP. LIX.

AN ACT making compenſation to the *members, clerks* and *door keepers* of the *general aſſembly,* and for defraying other neceſſary contingencies.—(PASSED OCT. 26, 1799)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That each member may receive one dollar and ſeventy-five cents for each day he ſhall have attended on the general aſſembly, and the ſame for every twenty five miles he ſhall travel in going to and returning from the ſame.

Sec. 2. *Be it enacted,* That each principal clerk of the general aſſembly ſhall be allowed the ſum of two dollars and ſeventy five cents per day for their ſervices, and that two dollars and ſeventy five cents per day be allowed for each aſſiſtant clerk, and that the further allowance be made for contingent expences, to Edward Scott, forty dollars, to John Kennedy, twenty dollars, and to Nathaniel B. Buckingham twenty dollars.

Sec. 3. *Be it enacted,* That each door keeper ſhall be allowed two dollars for each day he attends on this general aſſembly.

Sec 4. *Be it enacted,* That Geo. Roulſtone be allowed the ſum of one hundred and four dollars, ninety five and two thirds cents, for balance due for printing heretofore done—to William Maclin, thirty dollars, ninety three and one third cents, for ſtationary—and three dollars to William Dickſon for a table—three dollars to Sampſon Williams for one other table for the uſe of the ſtate—the ſum of four dollars for locks, candles, &c. furniſhed the legiſlature to Samuel Hindman.

Sec. 5. *Be it enacted,* That the ſecretary of ſtate is hereby required to number the pages of the laws and journals, to be printed and publiſhed by Roulſtone & Wilſon, conſiſtent with their contract with the general aſſembly, as appears on their journals, and on their producing the receipts of David Deaderick, of Joneſborough, William Maclin, of Knoxville, and Joſeph Coleman of Naſhville, the governor is hereby required to iſſue a warrant to the treaſurers, or either of them, to pay the ſaid Roulſtone & Wilſon ſuch ſums of money as ſhall appear to be due, conſiſtent with the aforeſaid contract—and that eight dollars and twenty five cents be allowed to Andrew White for his ſervices as engroſſing clerk.

WILLIAM DICKSON,
Speaker of the Houſe of Repreſentatives.

ALEXANDER OUTLAW,
Speaker of the Senate.

A Copy, Teſt.
Wm. MACLIN, Sec'ry.

A C T S

PASSED AT THE FIRST SESSION OF THE FOURTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE,

BEGUN AND HELD AT KNOXVILLE, ON MONDAY, THE TWENTY FIRST DAY OF SEPTEMBER, ONE THOUSAND EIGHT HUNDRED AND ONE.

CHAPTER I.

An ACT *to amend an act, entitled, "An act for the better eſtabliſhment and regulation of the militia in this ſtate."* (PASSED NOV. 14, 1801.

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That each regiment of militia in this ſtate ſhall be divided into two battalions, by the regimental court martial at their next ſitting after the paſſing of this act, having due reſpect to the conveniency of the different companies, without regard to bounds or number; and the officers of each battalion ſhall have the privilege of chuſing their muſter ground, except where the regiment has been previouſly divided by law, and in that caſe the diviſion ſhall continue as heretofore, or be diſcontinued at the diſcretion of the court martial. The firſt battalion in each regiment ſhall hold a battalion muſter on the firſt Thurſday in April; the ſecond battalion on the third Thurſday in April annually; and a court martial ſhall be held in each battalion on the day ſucceeding the battalion muſter; ſuch muſters and courts martial to be conducted under the ſame rules, regulations and reſtrictions as regimental muſters and courts martial, reſerving to any perſon who may think himſelf aggrieved by any ſentence of ſuch court martial, the right of appeal to the next court martial of the regiment. And it ſhall be the duty of the adjutants to attend the battalion muſters in their reſpective regiments, and of the judge advocates to attend the battalion courts martial, and they ſhall perform the ſame duties which they are required to perform at regimental muſters and courts martial, and be allowed the ſame compenſation. And the major appointed to the command of each battalion ſhall attend the battalion muſters, and may preſide in the courts martial, or may direct the ſenior officer preſent to preſide; and if he ſhould be abſent, the officer next in rank ſhall perform the duties of the major at ſuch muſter or court martial.

Sec. 2. *Be it enacted*, That each regiment of infantry ſhall hold only one regimental muſter in each year, at their reſpective court houſes, on the Thurſday immediately preceding the firſt day of holding the courts in the ſeveral counties, in either of the months of September, October, and November annually, except the ſecond regiment of Davidſon county, who ſhall hold their regimental muſter at the place heretofore provided for by law, on the Thurſday ſucceeding the court of ſaid county, in the month of October in each and every year. And the brigadier general ſhall attend the ſeveral regimental muſters in his brigade, at leaſt once in two years; or oftener if he ſhall think neceſſary, and in ſuch rotation as he ſhall think proper, not inconſiſtent with this act, for the purpoſe of reviewing ſuch regiment, & making ſuch regulations as may appear to him neceſſary not otherwiſe inconſiſtent with this law. *Provided*, that nothing herein contained ſhall extend to compel the inhabitants to whom has been granted ſeparate general muſters in the counties of Carter, Jefferſon, and Montgomery, to attend the aforeſaid regimental muſters: But the colonel commandant of the Jefferſon regiment ſhall cauſe all the militia of his county to attend each general review at the court houſe of ſaid county.

Sec. 3. *Be it enacted*, That every captain or commanding officer of a company, ſhall hold a company muſter three times in each year at ſuch place as he ſhall judge moſt convenient, on the following days, viz. the firſt Saturdays in March, Auguſt, and November, unleſs ſuch day ſhould happen on the ſame week with the regimental muſter, and in ſuch caſe the company muſter ſhall be held on the Saturday preceding. And on ſuch muſter days the officers of the company or any two of them, ſhall have power to hold courts martial if found neceſſary, and the ſenior officer preſent ſhall have the power to adminiſter all neceſſary oaths, to receive the fines by ſuch court impoſed, and pay the ſame into the hands of the judge advocate of the regiment. A record of the proceedings ſhall be kept, ſtating the name of each perſon on whom a fine has been impoſed and the ſum, which ſhall be returned to the judge advocate and be entered by him on his journal, and execution may iſſue thereon as in other caſes. But no execution ſhall iſſue in any caſe for fines or forfeitures, until the expiration of three months after ſentence of the court martial And if any perſon on whom a fine ſhall be aſſeſſed, ſhall pay the ſame to the judge advocate, or the commanding officer of the company to which he belongs, within the time limited for ſtay of execution, he ſhall not be liable to pay any coſts And fines ariſing by delinquencies in any company muſter, ſhall be appropriated to the uſe of ſuch company only, in manner as the court martial thereof may direct, and to be drawn from the hands of the judge advocate on the order of the commanding officer of the company.

Sec. 4. *Be it enacted*, That all fines and forfeitures heretofore collected by virtue of the before recited act which have not been appropriated, and all fines and forfeitures which may hereafter be collected, ſhall be paid into the hands of the judge advocate of the regiment, who ſhall enter into bond in the ſame manner as by the ſaid act the colonel was required to do, which bond ſhall be lodged in the hands of the colonel for the uſe of the regiment, and he ſhall have the ſame allowance for receiving and paying out the monies collected, and ſhall make out a fair ſtatement of the amount received, and in what manner it has been diſburſed, & lay the ſame annually before the regimental court martial.

Sec. 5 *Be it enacted*, That the commanding officer of each company ſhall make out an accurate ſtatement of the ſtrength and condition of his company, and make return thereof to the commanding officer of the regiment to which he belongs, on or before the day on which each battalion muſter ſhall be held annually, who ſhall file the ſame with the adjutant of the regiment. And the adjutant of each regiment ſhall, under the direction of the commanding officer, make out an accurate ſtatement of the ſtrength and condition thereof, and return the ſame to the brigade major of the brigade to which he belongs, on or before the firſt day of June annually. And the brigade major under the direction of the brigadier general, ſhall in like manner make a return of the brigade to which he belongs to the adjutant general on or before the firſt day of Auguſt annually. And it ſhall be the duty of the adjutant general to furniſh all ſuch blank forms of the different returns and explanation of the principles on which they ſhould be made, as ſhall be approved of by the major general, and alſo to receive the returns of the militia throughout the ſtate, from all which he ſhall make the proper abſtracts and lay the ſame before the commander in chief of the ſtate, on or before the third Monday of September annually, and the commander in chief, when required, ſhall lay the ſame before the general aſſembly.

Sec 6. *Be it enacted,* That the commiſſioned officers of the ſeveral regiments of infantry, ſhall meet once in every year, armed and accoutred as by law required, at the place appointed by law for holding regimental muſters, for the purpoſe of being trained and inſtructed in their duty, by the adjutant of the regiment, which meeting ſhall be on the Tueſday immediately preceding the regimental muſters, and ſhall continue two days. The ſenior officer preſent ſhall call the roll each day, and report all delinquencies to the next regimental court martial; and every officer failing to attend, or not appearing armed as aforeſaid, without a reaſonable excuſe, to be judged of by the court martial, ſhall be fined in a ſum not exceeding ten dollars.

Sec. 7. *Be it enacted,* That in all caſes of charges exhibited againſt officers, the officer ordering a court martial, ſhall as ſoon as practicable, furniſh the perſon charged with a copy of the charges exhibited againſt him; and the preſident of the court martial ſhall give him at leaſt fifteen days notice of the time and place appointed for trial; and cauſe ſuch witneſſes to be ſummoned by the adjutant of the regiment in which they reſide, as may be required by either party. And every perſon ſo ſummoned and failing to attend, or refuſing to be ſworn, ſhall be liable to be tried by a court martial; and if he be an officer he may be caſhiered or fined at the diſcretion of the court martial, not exceeding ten dollars; if a non commiſſioned officer or private, he may be fined not exceeding five dollars

Sec. 8. *Be it enacted,* That in all elections for field officers, thirty days notice, and in all elections for company officers, fifteen days notice of ſuch election ſhall be ſufficient.

Sec. 9. *Be it enacted,* That the volunteer company of Knox county, commanded by Capt. John Crozier, ſhall be annexed to the regiment of cavalry of the diſtrict of Hamilton, and ſhall be a part of ſaid regiment; and the volunteer companies of cavalry of Hawkins and Waſhington counties, commanded by Captains Alexander Nelſon and Allen Gilleſpie, ſhall be annexed to, and be a part of the regiment of cavalry of the diſtrict of Waſhington.

Sec. 10. *Be it enacted,* That the commiſſioned officers of each regiment, ſhall appear in uniform when on parade; and the courts martial of each regiment ſhall determine the uniform of their reſpective regiments; and any officer not appearing in the uniform of his regiment, within ſix months after the court martial ſhall agree on the uniform of ſaid regiment, if a field officer, ſhall forfeit and pay a ſum not exceeding ten dollars, if a captain or ſubaltern not exceeding five dollars.

Sec. 11. *Be it enacted,* That this act ſhall be in force from and after the paſſing thereof: *Provided,* that nothing in this act contained ſhall be conſtrued ſo as to change the times of holding regimental or company muſters during the preſent year.

CHAP. II.

An ACT *to confirm and make good all lawful entries made, and warrants and grants iſſued by the ſtate of North Carolina, for lands lying within the limits of this ſtate, and to authoriſe the ſecretary and governor of the ſame to perfect titles on all the lawful entries and warrants that are not yet perfected.*—(PASSED NOV. 14, 1801.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That all lawful entries made, and warrants & grants heretofore iſſued by the ſtate of North Carolina for lands lying within this ſtate, as reſerved by act of ceſſion, and including all grants bottomed upon any warrant iſſued from any of the offices of Carter, Adair, or Harden, ſhall be as good and valid in law as if they had been made and iſſued by and under the authority of this ſtate, reſerving to the holders of ſuch grants as aforeſaid, the right of deciding the validity thereof in any of the courts of law or equity in this ſtate, purſuant to ſuch laws as have been in force and uſe in ſimilar caſes.

Sec. 2. *Be it enacted,* That all the before recited warrants that have not been ripened into grants, ſhall or may be located and ſurveyed on any unappropriated lands within this ſtate, and returned into the ſecretary's office of the ſame, there to be perfected into a grant or grants, as the law may hereafter direct.

Sec. 3. *Be it enacted,* That it ſhall and may be lawful for all and every perſon or perſons, their agents or attornies, where it has ariſen or may hereafter ariſe, that any perſon has or may hereafter obtain a grant or grants for any ſpot or piece of land within this ſtate, whereon there is an older and better title, then and in that caſe, the ſaid owner, his agent or attorney, ſhall be at full liberty to depoſit ſuch grant or grants in the ſecretary's office of this ſtate, with the reaſons why ſuch grant is returned, and the reaſons ſhall be accompanied with a certificate from a lawful ſurveyor, ſetting forth the quantity ſo taken with the name of the grantee, number and date of the ſame that takes ſuch lands, on which return it ſhall be the duty of the ſecretary to file ſuch grant in his office, and record the ſame in a book he ſhall keep for that purpoſe, and iſſue a warrant or warrants at the option of the owner, for the ſame number of acres as contained in ſaid grant ſo returned, and ſhall enter the ſame in a margin adjoining the copy of ſaid grant, and therein mention a reference from what grant the ſaid warrant or warrants have iſſued, directed to any lawful ſurveyor within this ſtate, whoſe duty it ſhall be to ſurvey the ſame on any unappropriated lands, under the ſame rules, regulations and reſtrictions as by law directed, whereupon it ſhall be the duty of the ſecretary and governor to perfect ſuch grant or grants in ſuch manner and form, as is or may be directed by the laws of this ſtate.

Sec. 4 *Be it enacted,* That there ſhall be one ſurveyor in each county within this ſtate, appointed by joint ballot of both houſes of this general aſſembly, to ſurvey the lands within their reſpective counties, which ſurveyors ſo appointed, ſhall give bond and ſecurity according to law.

Sec. 5. *Be it enacted,* That nothing in this act contained ſhall be ſo conſtrued as to authoriſe any perſon or perſons, their agents or attornies, to enter any vacant and unappropriated lands whereon any perſon has ſettled down and improved the ſame, and at the time of paſſing this law, is in the actual poſſeſſion thereof: Provided, ſaid poſſeſſion has not been obtained by force or fraud, but the occupant as aforeſaid, their heirs or aſſigns, ſhall be entitled to the right of pre-emption to ſix hundred and forty acres, to include their improvement: Provided the ſame ſhall not interfere with lands claimed by any other perſon or perſons, but in caſe it does, the occupant or occupants, may ſurvey any number of acres within the aforeſaid quantity, the bounds of which ſhall be aſcertained by actual ſurvey as in other caſes, and provided, they make entries for the ſame within ſix months after an office is opened within this ſtate for the receiving of entries of land.

Sec. 6. *Be it enacted,* That nothing in this act contained, ſhall be ſo conſtrued as to extend to make good any entry or entries, warrant or warrants, grant or grants, for any land lying ſouth of French Broad and Holſton, and between the rivers of Big Pigeon and Tenneſſee, except to ſuch occupant or occupants as have obtained or may obtain a grant or grants for his, her or their own right of occupancy. And ſuch occupant or occupants ſhall be at full liberty to ſurvey by virtue of any unapplied and unſatisfied lawful and *bona fide* warrant or warrants obtained in purſuance of the land laws in force and uſe at the time of the paſſing of the ceſſion act of the ſtate of North-Carolina or by virtue of ſaid ceſſion act, or by virtue of any warrant obtained by virtue of this act, his, her, or their right or rights of improvement or occupancy, and obtain a tittle or titles thereon, at any time hereafter, or until otherwiſe provided for by law, which improvement, and the manner of laying off the land held by ſuch improvement, or right of occupancy, ſhall be the ſame as were recognized by the laws of North Carolina, at the time of the paſſing of ſaid ceſſion act, and the conſtitution of this ſtate; and ſuch improvement right or rights of occupancy as aforeſaid, may conſiſt of ſix hundred and forty acres, and no more.

Sec. 7. *Be it enacted,* That from and after the paſſing of this act, if any perſon or perſons under the authority from the ſtate of North Carolina, or under any commiſſion from the ſame ſhall enter, ſurvey or mark out any ſpot or piece of land within this ſtate, for the purpoſe of obtaining a title for ſuch land from the ſtate of North-Carolina, ſuch perſon or perſons ſo offending, ſhall forfeit and pay the ſum of five thouſand dollars, to him, her or them that will ſue for the ſame, to be recovered before any court of record within this ſtate, by action of debt, wherein no eſſoign, injunction, protection, or wager of law ſhall be admitted or allowed, any law, uſage or cuſtom to the contrary notwithſtanding. And ſhould any perſon obtain a grant from the ſtate of North Carolina as aforſaid, ſuch grant ſhall not be admitted as evidence in any court of record within this ſtate.

Sec 8. *Be it enacted,* That nothing herein contained ſhall be conſtrued ſo as to make good any warrant or grant obtained by fraudulent or illegal certificate or other illegal means, or entry or grant or grants, obtained on warrants that have been ripened into a prior grant or grants, that the number of acres therein contained is unknown to the laws of this ſtate.

Sec. 9. *Be it enacted,* That in all caſes where the title of land to any innocent purchaſer, may be diſcovered to be fraudulent and of no effect, the holder and poſſeſſor of ſuch land ſhall have a preference of two years to obtain a legal title for the ſame, if ſuch title was obtained in his own name, but if ſaid title is by purchaſe from another perſon, he ſhall notify the perſon from whom he purchaſed ſaid land, that the title is fraudulent; then and in that caſe, the perſon purchaſed from, ſhall have two years to procure the legal title to ſuch land, and in caſe he ſhall fail, or refuſe to obtain ſuch title in ſaid time, the ſaid poſſeſſor ſhall have two years to procure a legal title and he ſhall have recourſe on ſaid ſeller for all expences accruing thereon.

Sec. 10. *Be it enacted,* That this act ſhall be in force and uſe from and after the paſſing thereof, except that part which authoriſes the governor and ſecretary to iſſue grants, which ſhall not be in force and uſe until the next general aſſembly.

Sec. 11. *Be it enacted,* That all laws and parts of laws, coming within the purview and meaning of this act, be, and they are hereby repealed and made void.

CHAP. III.

An ACT *appointing ſurveyors and entry takers, and directing their duties in office* —(PASSED NOVEMBER 14 1801.)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That every ſurveyor before entering upon the execution of his office, ſhall take and ſubſcribe in open court, the oath preſcribed for the qualification of officers, and alſo an oath that he will well and impartially diſcharge the ſeveral duties of his office of ſurveyor, and ſhall enter into bond with ſufficient ſecurity, to be approved of by the county court, in the ſum of five thouſand dollars, to the governor for the time being, and his ſucceſſors in office which bond ſhall be filed in the clerk's office of the county for which he is appointed, for the faithful diſcharge of the duties enjoined on him by this act, and the ſaid bond ſhall be applied to the uſe and benefit of the ſtate, or any perſon or perſons injured by the ſaid ſurveyor in his official capacity. And if any perſon or perſons ſhall ſuſtain any injury as aforeſaid, ſuch perſon or perſons ſo injured, ſhall recover all damages by action of debt, in any court of record in this ſtate, and on the trial of which, the aforeſaid bond ſhall be given in evidence for the recovery of all damages, by the party injured.

Sec. 2. *Be it enacted,* That it ſhall be the duty of the ſurveyor in each and every county within this ſtate, on the receipt of any lawful warrant or warrants, or copy of a location legally made with an entry taker, by virtue of a warrant, and certified by the entry taker in whoſe office ſaid location was made, on which location the number of the warrant ſhall be inſerted, then and in that caſe it ſhall be the duty of the ſurveyor to proceed to ſurvey the ſame agreeably to the true intent and meaning of ſaid warrant or location, for which ſervice the ſurveyor ſhall receive two dollars for every three hundred acres, or under, and for every hundred acres more, fifty cents, and no ſurvey ſhall be made without chain carriers and a marker, who ſhall accurately meaſure and mark the lands ſo ſurveyed, the corners with four notches, and ſhall be paid by the party having the ſurvey ſo made, and ſuch chain carriers ſhall be ſworn to meaſure the ſame juſtly and truly, and to report a true account thereof to the ſurveyor, which oath every ſurveyor is hereby required and empowered to adminiſter, and every ſurvey ſhall be bounded by natural boundaries or right lines, which lines ſhall be well marked running eaſt or weſt, north or ſouth, and the length of no ſurvey ſhall exceed double the breadth, unleſs where the lines interfere with lands already granted or ſurveyed, or lines conditioned to, by the parties claiming lands adjoining or other natural boundaries.

Sec. 3 *Be it enacted,* That it ſhall be the duty of each ſurveyor to make out two fair plats of each ſurvey by him made, on at leaſt one quarter of a ſheet of paper, on which ſhall be mentioned the ſcale by which ſuch plat was made, the names of the chain carriers, the number of acres, the date of ſuch ſurvey, the number of the warrant, and date of the location, the beginning, angles, diſtances, marks, and water courſes, and other remarkable places, in words at full length, which plats ſhall be ſigned by himſelf, and delivered to the owner, or agent of ſuch owner, within three months after ſuch ſurvey, if required, unavoidable accidents excepted, under the penalty of one hundred dollars for every failure, to be recovered by action of debt, by the party injured, before any juriſdiction having cognizance thereof, and applied to his own uſe.

Sec. 4. *Be it enacted,* That every perſon having made an entry on a warrant agreeably to this act, and in ſurveying the ſame, ſhould it appear that there is not land enough to fill ſuch warrant, then and in that caſe, the ſurveyor ſhall give a certificate to the owner, or any perſon authorized to act for him or them, of the quantity ſo deficient, expreſſing the number of the warrant, and to whom granted, with the ſeveral aſſignees, which certificate ſhall be legal evidence to the entry taker, to authorize the holder to enter the ſame, and on ſuch entry the ſurveyor ſhall ſurvey and return plats as on other warrants.

Sec. 5. *Be it enacted,* That the ſecretary of this ſtate ſhall be entitled to receive fifty cents for each grant, where the land or part thereof has been taken by an older or better claim, that he may record in purſuance of an act, paſſed at this ſeſſion of this general aſſembly, and thirty ſeven and an half cents for each warrant he may iſſue, to be paid by the perſon applying for the ſame, and at the time the grant is delivered to the ſecretary

Sec. 6. *Be it enacted,* That no entry taker in this ſtate ſhall receive or admit any entry or location to be made in his or their office, before the perſon applying to make ſuch entry firſt make oath that the claim or warrant, on which ſuch entry or location is founded, is equitable, juſt and legal to the beſt of his knowledge and belief, which oath the entry taker is empowered to adminiſter, nor ſhall any entry taker, for himſelf, make any entry but on oath as aforeſaid, before ſome juſtice of the peace of his county, which juſtice ſhall ſubſcribe his name officially to ſuch entry.

Sec. 7. *Be it enacted,* That there ſhall be one entry taker appointed in each county in this ſtate, who ſhall hold his office during good behaviour, and it ſhall be his duty to receive the location for each and every legal warrant, delivered him as by this act directed, which location he ſhall enter in words at full length, with the number of the warrant applied to ſuch location, and the name of the perſons making the ſame, certifying the different aſſignees, in a well bound book, ruled in equal ſpaces, and no ſpace left blank between locations, alſo certifying the date and number of ſuch location, the object of which is, the perſon making the firſt and oldeſt location with ſaid entry taker, on a legal and *bona fide* warrant, ſhall be deemed the perſon having the legal and lawful right to ſuch ſpot or piece of land ſo located, and ſhall give a receipt to the perſon making ſuch location, expreſſing the number of the warrant, and date of ſaid location, for which, together with making ſuch entry, he ſhall demand and receive fifty cents from the perſon making the ſame.

Sec. 8. *Be it enacted*, That each ſurveyor may appoint deputies under his hand and ſeal, not exceeding three, which deputies ſhall take the ſame oath as the ſurveyor.

Sec. 9. *Be it enacted*, That each and every entry taker, ſhall, before he enters into the execution of his office, take and ſubſcribe in open court the oath preſcribed for the qualification of officers, and alſo an oath, that he will well, juſtly and impartially diſcharge the ſeveral duties of his office as entry taker, purſuant to the laws relative thereto, and ſhall enter into bond, with good and ſufficient ſecurity, to the governor for the time being, and his ſucceſſors in office, in the ſum of five thouſand dollars, which bond ſhall be filed in the clerk's office of the county for which he is appointed, for the faithful diſchrge of the duties enjoined on him by the laws of this ſtate; the ſaid bond ſhall be applied to the uſe, and in the ſame manner as bonds directed to be given by ſurveyors in this act expreſſed.

Sec. 10 *Be it enacted*, That in caſe of refuſal to act, death or reſignation, of any ſurveyor or entry taker appointed by the general aſſembly, the clerk of the court of the county in which ſuch perſon or perſons reſide, ſhall certify to the governor without delay ſuch refuſal, death or reſignation (as the caſe may be) who is hereby required to appoint a ſuitable perſon to fill ſuch vacancy, and the perſon ſo appointed ſhall hold his office until the end of the general aſſembly. next after his appointment.

CHAP. IV.

An ACT *to authoriſe the Governor to procure certain documents therein mentioned.*—(PASSED NOVEMBER 14, 1801.)

WHEREAS it has been repreſented to this general aſſembly, that the book containing the entries of land made in the office of John Carter, late entry taker of Waſhington county is loſt or deſtroyed, and that great injuries may ariſe to the citizens in conſequence thereof: Therefore,

Section 1. BE *it enacted by the General Aſſembly of the State Tenneſſee*, That the governor be, and he is hereby authorized and required. as ſoon as may be, to uſe ſuch means as he may deem expedient and effectual, either by himſelf, or ſome perſon by him appointed for that purpoſe, to procure from the office of the ſecretary of ſtate of the United States, or elſewhere, a correct and authentic copy of the book containing the ſaid entries, or a correct tranſcript of a copy of ſaid entries, or ſo many thereof as can be procured, which copy or tranſcript ſo obtained, the governor is hereby required to depoſit in the office of the ſecretary of ſtate; and the ſame, when ſo taken and depoſited as aforeſaid, ſhall be held and deemed of equal validity with the original entry book in all reſpects whatever; and each and every perſon intereſted and concerned therein, ſhall have ample acceſs thereto, by applying to the ſecretary aforeſaid, who ſhall be entitled to, and demand for every ſearch, twelve and an half cents, and the ſame for each copy by him ſo taken and delivered, and a further ſum of fifty cents for the uſe of the ſtate; which fees ſhall be paid by the party petitioning; and each and every copy ſo taken and certified, ſhall be admitted as evidence in any court in this ſtate. And he is moreover required and directed to lay his proceedings under this act, before the next general aſſembly.

Sec. 2. *Be it enacted*, That the governor be and he is hereby authoriſed and required to appoint a fit and proper perſon to tranſcribe the locations contained in the books of the military land office, now in the poſſeſſion of general Martin Armſtrong, in Naſhville; and ſuch tranſcript, together with the original, ſhall be depoſited in the office of the clerk of the ſuperior court of Mero diſtrict, and admitted as evidence in any ſuit, in as full & ample manner as theoriginal copies could be: And ſaid clerk ſhall enter into bond, with approved ſecurity, in the ſum of ten thouſand dollars, payable to the governor for the time being and his ſucceſſors in office, for his faithful ſafe keeping ſuch records: which bond ſhall be aſſignable to any perſon injured, and ſhall not become void on the firſt recovery, but ſhall remain to be aſſigned over as often as the caſe may require; and ſaid clerk, before entering upon the diſcharge of the duties herein enjoined, ſhall take, in open court, the following oath: "I, A. B. do hereby ſolemnly ſwear, (or affirm as the caſe may be) that I will faithfully and honeſtly keep the records of the military land office which now are, or may hereafter be put into my poſſeſſion; that I will not alter, deface, change, blot out or make any addition to the ſame, in any reſpect whatever, nor ſuffer the ſame to be done. *So help me* God."—And it ſhall be the duty of ſaid clerk, whenever called on for a tranſcript or copy of a location or locations, to deliver the ſame; which copy, ſo taken, ſhall be admitted as evidence. And for each copy he ſhall be entitled to receive twelve and an half cents, and a further ſum of fifty cents for the uſe of the ſtate, which he ſhall account for as other public monies.

Sec. 3. *Be it enacted*, That ſaid military land books, when ſo tranſcribed, ſhall be carefully reviſed, examined and corrected, by two proper and diſcreet perſons, to be appointed by the governor, who, previous to entering upon the diſcharge of ſaid duty, ſhall take and ſubſcribe before ſome competent authority, the following oath, viz "I do hereby ſwear, (or affirm) that I will faithfully and carefully examine and reviſe the tranſcript of the books belonging to the military land office, and compare the ſame with the originals, and diligently correct every error in ſaid tranſcript, and make correſpond with the originals. *So help me* God."

Sec. 4. *Be it enacted*, That the governor is hereby empowered and required, without delay, to appoint and commiſſion a perſon duly qualified to go forward to the ſtate of North Carolina, and lay before the executive thereof, a copy of a law paſſed this ſeſſion of the general aſſembly, declaring the power of opening offices for perfecting titles on all legal, juſt, and *bona fide* claims, iſſued by the aforeſaid ſtate of North-Carolina, and recognized by the act of ceſſion made by that ſtate to the United States, and requeſt him to lay the ſame before the legiſlature at their next ſeſſion, and ſtate the propriety to them of transferring all right that the ſaid ſtate poſſibly can be conſtrued to have retained for perfecting grants, where entries had been made previous to the ſaid act of ceſſion; and further, to deliver unto ſaid commiſſioner the original documents of all entries made in John Armſtrong's office, or ſuffer the ſaid commiſſioner to have a copy taken for the uſe of this ſtate, and alſo all evidences of military warrants that have not been ripened into grants; and further, is required to aſk and procure of the legiſlature of North Carolina, the reports made by Meſſrs. Gathier and Purviance reſpecting the land buſineſs, or permiſſion to take or procure tranſcripts of ſo much thereof as will ſhew when more than one grant has iſſued on a warrant, and ſuch other parts of ſaid report, and all other evidences as may be neceſſary for the detection and prevention of frauds, the better to enable this ſtate to do equal and impartial juſtice to the ſtates and each individual, agreeably to the above recited act; and the originals or copies ſo obtained ſhall be by the ſaid commiſſioner delivered to the governor of this ſtate, who is hereby required to cauſe the ſame to be depoſited in the ſecretary's office, the object of which is, to place the holders or owners of any warrants in the preciſe ſituation for obtaining a grant, that he, ſhe, or they were in, under the laws of the ſtate of North Carolina, and to eſtabliſh a principle whereby this ſtate will have the ſame power to detect fraud as the aforeſaid ſtate of North-Carolina poſſibly could have.

Sec. 5. *Be it enacted*, That the governor ſhall alſo appoint a perſon to copy the entry books known by the name of Adair's office, alſo the entry books known by the name of Harden's office, which perſon, ſo appointed, previous to executing the ſame, ſhall take and ſubſcribe an oath before ſome juſtice of the peace of this ſtate, truly, faithfully and correctly to tranſcribe ſaid entries, and deliver the ſame to the governor, together with the originals, who ſhall cauſe them to be depoſited in the office of the ſecretary of this ſtate, and the ſame when depoſited as aforeſaid, ſhall be held and deemed of equal validity with the original entry books in all reſpects whatever; and each and every perſon intereſted therein, ſhall have ample acceſs thereto, by applying to the ſecretary aforeſaid, who ſhall be entitled to, and demand for every ſearch twelve and an half cents, and the ſame for each copy, and a further ſum of fifty cents for the uſe of the ſtate, which fees ſhall be paid by the party petitioning; and each and every copy ſo taken and certified, ſhall be admitted as evidence in any court.

Sec 6. *Be it enacted*, That the holders of the books of entry of the counties of Waſhington, Sullivan and Greene, ſhall deliver to ſuch perſon or perſons as ſhall be appointed by the governor to receive the ſame, the original locations and books of entry of the ſaid counties, or ſuch parts thereof as have not been deſtroyed, under the penalty of ten thouſand dollars, to be recovered in the name of the governor for the time being to the uſe of the ſtate.

Sec. 7. *Be it enacted*, That the governor ſhall appoint two fit and proper perſons, who ſhall examine and carefully compare and correct the copies of the books of entry of Adair's and Harden's offices, which examination ſhall be made at the ſecretary of ſtate's office, which perſons ſo appointed, ſhall, before they enter upon the diſcharge of their duties, take and ſubſcribe, before ſome competent authority, the oath preſcribed in the third ſection of this act, and ſhall each receive the ſum of two dollars per day whilſt ſo employed.

Sec. 8. *Be it enacted*, That the ſecretary of this ſtate ſhall, previous to, or at the time of receiving the ſeveral documents ſpecified in this act, take before ſome competent authority, the following oath, viz. "I do hereby ſolemnly ſwear, (or affirm) that I will faithfully and honeſtly keep all and ſingular the papers and documents now depoſited in my office, and all others which may hereafter be put therein, purſuant to an act, entitled, an act authoriſing the governor to procure certain documents therein mentioned, and that I will not alter, deface, change, blot out, or make any addition to the ſame in any reſpect whatſoever, nor ſuffer the ſame to be done. *So help me God.*"—And it ſhall further be the duty of ſaid ſecretary, to account for all monies by him collected in behalf of the ſtate, by virtue of this act, in the ſame manner as clerks of the ſeveral courts of law are bound to do.

Sec 9. *Be it enacted*, That the commiſſioner to be appointed in purſuance of this act, to go to the ſtate of North Carolina, ſhall be allowed the ſum of four dollars for every day he ſhall be neceſſarily engaged in the buſineſs of his appointment. He ſhall take an oath before ſome judge or juſtice of the peace, well and truly to perform the duties enjoined on him by this act, to the beſt of his power, ſkill and ability, a copy of which oath ſhall be filed in the ſecretary's office. He may employ one or more clerks, under the direction of the governor, to aſſiſt him in doing the ſaid buſineſs. He ſhall keep up a conſtant correſpondence with the governor, and obſerve ſuch inſtructions as the governor may from time to time give him; And the governor ſhall give him all ſuch directions as he may deem expedient.

Sec. 10. *Be it enacted*, That the commiſſioners to be appointed to copy the books and papers of Martin Armſtrong's, Carter's, Adair's, and Harden's offices, ſhall be allowed each the ſum of four dollars for each hundred locations or entries ſo copied; and the commiſſioners to be appointed to reviſe and examine the books of Martin Armſtrong, when copied, ſhall each receive two dollars per day whilſt they are neceſſarily employed in ſuch examination.

Sec. 11. *Be it enacted*, That all copies to be taken by virtue of this act, ſhall be entered in well bound books, and be written in a plain round record hand, which books are to be procured at the proper coſt and charge of the perſon taking ſuch copies.

Sec. 12. *Be it enacted*, That the governor is hereby authoriſed to draw upon both or either of the public treaſurers of this ſtate, for ſo much money as will be ſufficient to carry this act into effect, which draft or drafts ſhall expreſs the uſe ſuch money is drawn for: *Provided*, the whole ſum doth not exceed three thouſand dollars.

CHAP. V.

An ACT *to prevent the exportation of unmerchantable commodities.*

(PASSED NOVEMBER 14, 1801.)

Sec 1. *BE it enacted by the General Aſſembly of the State of Tenneſſee*, That no pork, beef, hog's lard, butter, hemp, flour, or kiln dried meal ſhall be exported from this ſtate till they be inſpected under the regulations herein after mentioned. And the juſtices of every county court are hereby authoriſed and required, if to them it ſhall appear neceſſary, at the firſt or ſecond courts to be held in each of the ſaid counties after the paſſing of this act, or at any other court thereafter, nominate and appoint in open court, one or more fit and proper perſons, not exceeding ſix in one county, reſiding in ſaid county to attend at ſuch times and places as are by this act appointed and directed, to inſpect all ſuch beef, pork, lard, butter, hemp, flour, or kiln dried meal as ſhall be expoſed to ſale, for exportation, according to the directions of this act; and every perſon, ſo appointed, ſhall hold his office during good behaviour; and before he enters upon the execution of that office, ſhall make oath before the juſtices of his county court, carefully to view, inſpect and examine, when required, all pork, beef, lard, butter, hemp, flour, and kiln dried meal, and to the beſt of his ſkill and judgment not to ſtamp or mark any of the above mentioned articles, unleſs they be good, clean found, merchantable, and of the weight or guage by this act directed, and faithfully to diſcharge the duty of this office, without favor, affection, prejudice or partiality. And each inſpector, ſo appointed, ſhall, before he enters upon or executes the duties of that office, enter into bond, with two good and ſufficient ſecurities, in the penalty of one thouſad dollars, for the true and faithful diſcharge of his office agreeably to the directions of this act; which bond and ſecurities every ſuch court reſpectively is hereby empowered and required to demand and take, and cauſe to be acknowledged in open court, and recorded; and the ſaid bond ſhall be made payable to the governor for the time being and his ſucceſſor in office, and ſhall be in force for the term of three years after ſuch inſpector ſhall be out of office; and in the name of the governor any perſon or perſons injured may and ſhall, at his, her, or their coſts and charges, commence and proſecute a ſuit or ſuits on ſuch bond againſt the parties therein bound, their executors or adminiſtrators, and ſhall and may recover all damages which he, ſhe or they may have ſuſtained by reaſon of the breach of the condition thereof; and the ſaid bond ſhall not become void upon the firſt recovery, or if judgment be given againſt the plaintiff or plaintiffs, who may ſue on ſuch bond, but may be put in ſuit, and proſecuted from time to time, for the benefit of the party or parties injured, until the whole penalty expreſſed in ſuch bond ſhall be recovered: *Provided always*, That if any ſuch verdict or judgment ſhall paſs for ſuch inſpector or his ſecurity, the perſon or perſons at whoſe inſtance ſuch ſuit ſhall have been proſecuted, ſhall pay double coſts.

Sec. 2. Be it enacted, That the county courts of pleas and quarter ſeſſions of the reſpective counties, ſhall be, and they are hereby authoriſed and empowered, at any time, to diſcharge any inſpector from his ſaid office, who ſhall act contrary to his duty therein, the party complaining giving ten day's previous notice, in writing, of the complaint againſt him, with the particulars thereof; and at the death, or on the diſability of any of them, to appoint another to ſucceed ſuch dead, diſabled, or miſbehaving inſpector. And if ſuch death happen in the vacation of ſuch court, it ſhall then be lawful for any three juſtices of ſuch court, to nominate and appoint ſome other fit or proper perſon as inſpector, until the next ſucceeding court for ſuch county; or if any inſpector ſhall be rendered incapable of performing his duty by ſickneſs, or other accident, it ſhall then be lawful for ſuch inſpector, by and with the conſent of three juſtices, to appoint ſome other perſon as an aſſiſtant, during ſaid inſpector's diſability, which conſent ſhall be certified under their hands, and lodged with the clerk of the county court in which ſuch inſpector reſides; and the perſon ſo appointed, ſhall take the ſame oath as inſpectors appointed by the courts; and the inſpector ſhall be liable to the ſame fines and penalties for the ſaid aſſiſtant's bad conduct and miſbehaviour, as he is liable to for his own.

Sec. 3. *Be it enacted*, That every inſpector ſhall give his attendance whenever he may be required, and ſhall provide an iron to brand any of the commodities bearing the name of the inſpector and his place of reſidence, and ſhall attend to the weighing the commodities he may inſpect, aſſiſtants being found by the owner; and he ſhall alſo provide proper ſcales & ſteelyards of the lawful ſtandard for that purpoſe. And if any inſpector ſhall neglect his duty, or brand, ſtamp or mark any of the commodities contrary to this act, or brand any empty barrel, or lend his brand to any perſon whatever, he ſhall forfeit and pay for every barrel of beef, pork. lard, flour, or kiln dried meal, or bale of hemp, or veſſel containing butter the ſum of twenty dollars, and for branding any empty barrel, or lending his brand, two hundred dollars, to be recovered with coſts, by action of debt, by and for the uſe of any perſon who ſhall ſue for the ſame, before any juriſdiction having cognizance thereof; and every other perſon or perſons that ſhall by any ways or means brand or procure to be branded, ſtamped or marked, any of the aforeſaid commodities, than by the inſpector and his aſſiſtants, he or they ſo offending, ſhall forfeit and pay for every offence, the ſame fines and penalties as inſpectors are by this act liable to pay for breach of duty or miſbehaviour.

Sec. 4. *Be it enacted,* That no cooper or other perſon furniſhing caſks, ſhall expoſe to ſale any barrel or half barrel, for the holding of pork, beef, butter, or lard, flour or kiln dried meal, other than ſuch as are by this act directed to be made for that uſe, under the penalty of two dollars for each; and every cooper or other perſon making barrels or half barrels, before they expoſe the ſame to ſale, ſhall ſet his or her proper brand upon the ſame, which brand ſhall be recorded in the office of the clerk of the county court, where he or ſhe may reſide, under the penalty, for each and every neglect of twenty dollars.

Sec. 5. *Be it enacted,* That every inſpector ſhall keep a book, in which ſhall be fairly entered, the maker's name and mark of every barrel, half barrel, bale or package inſpected, the number of barrels, half barrels, bales or packages of the ſame mark, the name of the merchant or exporter cauſing the ſame to be inſpected, and the time of inſpection, and ſhall give a certificate of any perſon requiring the ſame on payment of twenty five cents.

Sec. 6. And whereas certain commodities, by being expoſed to the ſun, or kept too long on hand after inſpection, may become unmerchantable, *Be it enacted,* That no beef, pork, lard, butter, flour, or kiln dried meal ſhall be put on board any boat or other veſſel, for exportation, after the expiration of ſixty days from the time the ſame was inſpected, until the ſame ſhall have undergone a ſecond inſpection, and a certificate or certificates granted in the ſame manner as if ſuch commodities had never been inſpected, any thing herein contained to the contrary notwithſtanding; and every perſon offending herein, ſhall forfeit one thouſand dollars; and the maſter or commander of ſaid veſſel or boat ſhall be liable to the ſame penalty as for taking on board any of the ſaid commodities without being branded.

Sec 7. *Be it enacted,* That beef, or pork, packed for ſale or exportation, ſhall be put in good and ſufficient new white oak caſks, which ſhall not contain more than thirty gallons, wine meaſure, each barrel, and fifteen gallons each half barrel; and all barrels and half barrels ſhall be made of timber well ſeaſoned, the ſtaves not leſs than half an inch thick when wrought, the heading not leſs than three quarters of an inch thick, and well dowelled, with twelve good and ſubſtantial hoops on each, and the whole to be tight, fit to hold pickle, and made in a workman like manner, and ſhall contain at leaſt two hundred pounds of good, ſound, clean merchantable meat, well ſalted and cured, with a ſufficient quantity of ſalt to each barrel, and well nailed or pinned, and packed, and no more than two heads in one barrel, and without any boar's fleſh in any barrel of pork, nor any heads, nor bulls [illegible] nor more than two ſhanks in any barrel of beef; and every veſſel containing lard or butter ſhall be filled with ſuch of thoſe articles as are found, good, and merchantable, and after inſpected, the ſame ſhall be branded by the inſpector as aforeſaid, and a certificate thereof given to the owner, bearing date, in words at length, the ſame day ſuch commodity was inſpected and paſſed.

Sec 8. *Be it enacted*, That every ſeller of beef, pork, lard, butter, flour, kiln dried meal, or hemp, packed or filled in this ſtate, and ſtamped or branded, ſhall make oath before a juſtice of the peace, at the time of the delivery of the goods ſold or exported, that the ſeveral barrels by him ſold or exported, are the ſame that were inſpected and paſſed, and do contain the full quantity without embezzlement or alteration, to his knowledge. And every perſon taking a falſe oath, and being lawfully convicted thereof, ſhall ſuffer the pains and penalties inflicted on perſons guilty of wilful and corrupt perjury, and moreover ſhall forfeit and pay the ſum of one hundred and fifty dollars, to be recovered by any perſon or perſons ſuing for the ſame, to his or their uſe.

Sec. 9 *Be it enacted*, That the inſpector or his deputy ſhall have & receive for viewing, ſearching, & packing, or repacking, heading & branding of every barrel of beef or pork, twelve & an half cents, and for every half barrel, ten cents—For every veſſel containing lard or butter, four cents—For every barrel of flour or kiln dried meal, four cents.—And for every bale or package of hemp, ſix cents, to be paid by the perſon having the ſame inſpected; and it ſhall be his duty carefully to record, in a bound book kept for that purpoſe, the number, marks, brands, and ſtamps, and the names of the perſons ſelling and ſhipping the ſame, and deliver a copy thereof, certified by himſelf, to the purchaſer or exporter.

Sec. 10. *Be it enacted*, That ſaid inſpector, or his deputy, on information made, or they having juſt right to ſuſpect, that any perſon or perſons having ſhipped, or is about to ſhip for exportation, any of the articles mentioned in this act, contrary to the true intent and meaning thereof, ſaid inſpector, or his deputy, ſhall have full power and authority, by virtue of this act, and without any further warrant, to enter on board any veſſel or boat whatſoever, lying or being in any port or place in this ſtate, and into any houſe, ſtore, or places whatſoever, to ſearch for, or make diſcovery of any of the ſaid articles ſhipped, or intended to be ſhipped for exportation; and if the owner or poſſeſſor, or their ſervants or others, ſhall deny him or them entrance, or if the ſaid officer or his deputy ſhall be any way moleſted making ſuch diſcovery as aforeſaid, or if ſuch merchant or owner ſhall refuſe to permit the ſaid officer or his deputies to view or examine any of the inſpectable commodities aforeſaid, or not permit him or them to brand or mark the ſame, if merchantable, according to the direction of this act; every perſon ſo offending, ſhall forfeit and pay the ſum of twenty five dollars; or if any perſon ſhall ſhip off any of the aforeſaid commodities, not branded or marked as by this act directed, every ſuch perſon, ſo offending, ſhall forfeit and pay the ſum of two dollars for every barrel or other veſſel, or package, or bale ſo ſhipped.

Sec. 11. *Be it enacted*, That the word TENNESSEE be branded on each barrel or other wooden veſſel in which any articles paſſing inſpection is ſhipped, the letters of which ſhall be at leaſt one inch long; and the ſaid word, of the ſame ſize, ſhall be marked on each bale or package of hemp by the inſpector; and if any perſon or perſons counterfeit ſaid brand or mark, he, ſhe, or they being legally convicted thereof, ſhall forfeit and pay the ſum of five hundred dollars for each offence.

Sec. 12. *Be it enacted*, That all wheat flour or kiln dried meal be well boulted, and ſhall be made by the miller or manufacturer thereof merchantable, and of due fineneſs, and without any mixture of other or coarſer flour or meal; and all caſks in which ſaid flour or meal ſhall be packed for exportation, ſhall be well made of good ſeaſoned materials, tightened with ten hoops ſufficiently nailed, with four nails in each chine hoop, and three nails in each upper bilge hoop and ſhall be of the following dimenſions, viz. the ſtaves ſhall be twenty ſeven inches in length, and the heads ſeventeen inches and a half in diameter; and for half barrels the ſtaves ſhall be twenty three inches in length, and the diameter at each head of twelve inches and a half.

Sec. 13 *Be it enacted*, That every packer of flour or kiln dried meal ſhall put into a barrel the full quantity of one hundred and ninety ſix pounds of flour, and into every half barrel the full quantity of ninety-eight pounds of flour; and if any one of them ſhall put a ſmaller quantity of flour than is herein directed, in any caſk, he ſhall forfeit for the deficiency of every pound under three, eight cents, and for the deficiency more than three, ſeventeen cents; and caſks in which kiln dried meal is intended to be exported, ſhall be filled and the weight marked thereon. And the inſpector or his aſſiſtant, upon ſuſpicion, or at the requeſt of the purchaſers, ſhall, and he is hereby required to unpack any caſk of flour or meal, and aſcertain the quantity of the ſame; and if deficient, the charges ariſing from the ſame, as well as re packing, ſhall be paid by the perſon ſelling the ſame, and ſhall moreover be ſubject to the penalty of fifty cents for each caſk proving deficient.

Sec. 14. *Be it enacted*, That the inſpector of flour or kiln dried meal, ſhall inſpect the ſame by boring through the head with an inſtrument not exceeding half an inch in diameter, to be by him provided for that purpoſe; and if he ſhall judge that the ſame is well packed and merchantable, according to the directions of this act, he ſhall plug up the hole, and brand the caſk in the quarter, with the name of the place at which he is inſpector, with a brand mark to be provided by him for that purpoſe, and ſhall alſo brand and mark the degree of fineneſs which he ſhall on inſpection determine ſaid flour to be of, which degree ſhall be diſtinguiſhed as follows, to wit. SUPERFINE.—MIDDLING.—SHIP STUFF. For which trouble he ſhall have and receive of the owner of ſuch flour or meal, the ſum of three cents for each caſk; and no inſpector ſhall paſs any flour which is not merchantable, but ſhall mark on the caſk CONDEMNED. And if any perſon lade on board any boat or veſſel any flour marked CONDEMNED, or any caſks or barrels not inſpected or branded as aforeſaid, he ſhall forfeit and pay ten dollars for each and every ſuch caſk or barrel; and if any perſon ſhall pack, for exportation, any flour in old caſks which have been branded before, ſuch perſon for every ſuch offence, ſhall forfeit and pay the ſum of twenty dollars for every caſk or barrel ſo packed, to be recovered before any juſtice of the peace in the county in which ſuch offence ſhall be committed.

Sec. 15. *Be it enacted*, That inſpectors of hemp ſhall not be concerned in mercantile or ropemaking buſineſs; and it ſhall be their duty carefully to inſpect and examine all hemp, when called on, at the different places of inſpection, carefully ſeparating that which may be ſtrong, dry and ſound, from that which may be unſound and unfit for exportation, and when ſo ſeparated, ſhall be diſtinguiſhed in the note by him given, in manner following, viz. All that which ſhall appear clean, dry and well conditioned, ſhall be termed firſt quality, and that which ſhall appear dry, ſtrong and well conditioned, though not perfectly clean, ſhall be termed ſecond or third rate, according to the cleanneſs of the ſame; but if it ſhall appear upon the offering any dry hemp for inſpection, that it contains ſo great a quantity of traſh, or is unſound, ſo as to render it unfit for manufacturing or exportation, the inſpector ſhall not give his note for the ſame, but the owner may diſpoſe of it as he thinks proper.

Sec. 16 *Be it enacted* That ſaid inſpector ſhall receive for his ſervices for every groſs ton, the ſum of one dollar, and every ton by him refuſed, the ſum of fifty cents, and ſo down in proportion, to be paid on delivering the note, or by the perſon whoſe hemp may be refuſed.

Sec 17. *Be it enacted*, That all hemp, ſound and merchantable, diſtinguiſhed as above directed, ſhall when prized, have a label annexed thereto, ſtamped with the quality and weight of each bale, and the owner's name, which ſhall be entered in a book kept for that purpoſe; and he is hereby required to give a certificate for all hemp by him paſſed, in form following, viz *I* A. B *do hereby certify, that* C. D *hath depoſited —— tons or pounds of hemp of —— quality paſſed inſpection at ——, at which place I am inſpector. Witneſs my hand this—day of —, in the year —.*

Sec. 18. *Be it enacted*, That every perſon or perſons owning a preſs, ſhall be, and he or they are hereby empowered and directed to inſpect all cotton to be by him or them packed, and to paſs none inferior to firſt quality, unleſs it be marked as in this act directed; and he or they ſhall take the oath directed for inſpectors by this act, and alſo give bond with ſecurity, in the ſum of one thouſand dollars, which bond ſhall be binding on him or them in the ſame manner as the bonds given by other inſpectors under this act; and ſhould any inſpector of cotton as aforeſaid, be guilty of paſſing and marking, or ſuffering to be packed or marked at his preſs, inferior cotton, without being properly deſignated as herein directed, he ſhall forfeit and pay for every ſuch offence, the ſum of one hundred dollars for each hundred weight, and ſaid inſpector of cotton ſhall grant proper certificates to the purchaſer or owner of the cotton which has paſſed through his preſs, and for each ſuch certificate he ſhall be allowed the ſum of twenty five cents, to be paid by the owner thereof: *Provided*, that cotton of inferior quality may be exported, having marked on the bale the words INFERIOR COTTON, in large letters, accompanied with a certificate of the value thereof, in compariſon with firſt rate cotton of the ſtate; and every perſon giving a falſe certificate, ſhall forfeit and pay the ſum of one hundred dollars.

Sec. 19 *Be it enacted*, That the owners of preſſes ſhall cauſe to be marked upon each bale of merchantable cotton intended for exportation, the word TENNESSEE, together with the initial letter of their chriſtian, and the whole of their ſirname, and the number and weight of ſaid bale; and if an[illegible]ſon ſhall preſume, with fraudulent intent, to inſcribe upon any bale of cotton any other than the marks of the gin or preſs where ſuch cotton was packed, he ſhall, upon conviction thereof, forfeit and pay the ſum of five hundred dollars, to be recovered before any authority having cognizance thereof, one half to the ſtate, and the other half to the perſon ſuing for the ſame.

Sec. 20. *Be it enacted*, That every ſeller or exporter of beef, pork, lard, butter, or hemp, flour or kiln dried meal, ſhall produce the certificate of the inſpector who inſpected the ſame, and make oath or affirmation if required, before a juſtice of the peace, on the delivery of the goods ſold or exported, that the ſeveral commodities by him ſo to be ſold or exported, are the ſame that were inſpected and paſſed, and do contain the full quantity mentioned in ſuch certificate, without embezzlement to his knowledge; which oath or affirmation the juſtice is hereby required to certify on the back of the certificate, which certificate the ſeller ſhall deliver to the buyer of ſuch commodities ſold, and the perſon exporting ſuch commodities ſhall deliver ſuch certificate to the maſter of the boat or veſſel on board which the ſame ſhall be ſhipped; and if ſuch ſeller or exporter ſhall refuſe to make ſuch oath or affirmation, he ſhall, for every ſuch offence, forfeit and pay the ſum of two hundred dollars.

Sec. 21. *Be it enacted*, That no perſon holding any poſt or place of profit, by deputation or otherwiſe, ſhall be appointed to the office of inſpector, and no inſpector ſhall be capable of being elected a member of the general aſſembly; and if any perſon ſhall be appointed to ſuch office, and ſhall accept any poſt or place of profit after ſuch appointment, he ſhall be rendered incapable of holding his ſaid office of inſpector, and the court ſhall proceed to appoint another inſpector in the room of ſuch perſon, according to the directions of this act.

Sec. 22. *Be it enacted*, That the ſeveral fines and forfeitures by this act inflicted, for which no method of recovery or application is herein before directed, ſhall and may be recovered with coſts, before any juriſdiction having cognizance thereof, one half to the uſe of the proſecutor, and the other half to the county where ſuch penalty ſhall be incurred, to be applied by the court to the leſſening the county tax.

Sec. 23. *Be it enacted*, That no inſpector ſhall, by himſelf or others, purchaſe any cullings or other articles that do not paſs inſpection, upon pain of forfeiting one hundred dollars, to be recovered and applied in the manner that other fines and forfeitures are directed by this act.

Sec. 24. *Be it enacted*, That the places hereafter mentioned, be, and are hereby appointed for the inſpection of the commodities herein mentioned: *Provided nevertheleſs*, the ſeveral county courts ſhall have power to make ſuch further regulations reſpecting the places of inſpection in their reſpective counties, as they may deem proper, viz.

For the county of *Montgomery*—Clarkſville, Port Royal and Palmyra.

Robertſon—Springfield and Fayetteville.

Davidſon—Hayſborough, Naſhville, and Wayneſborough.

Williamſon.—Franklin.

Sumner—Cairo, Saunders's ferry, below the mouth of Drake's creek; the mouth of Manſker's creek; the mouth of Station Camp creek; and at Eccle's oppoſite Cairo.

Wilſon.—At Morriſon's Ferry.

Smith—At Bledſoeſboro'; the mouth of Cany Fork, & at Fort Blount.

Knox—The mouth of Sinking creek on Holſton, and Knoxville.

Roane—Kingſton.

Claiborne—Mouth of Old Town creek and mouth of Sycamore creek.

Anderſon—Mouth of Powell's river, at Grantſborough.

Jefferſon—Dandridge, Moſſy creek iron works, and at colonel Alexander Outlaw's bent of Nolichucky.

Grainger.—Rutledge, and Ore's mill on Holſton.

Blount.—Maryville, mouth of Baker's creek, and fork of Holſton, on Tenneſſee.

Sevier.—M'Clery's mill, Wilſon's mill and forks of Pigeon.

Hawkins.—Daniel Rice's, Rodham Keener's & Lockly Stubblefield's.

Sullivan.—John Spurgen's mill, Saltville below the mouth of Reedy creek, and mouth of creek.

Greene.—Greeneville, Morriſon's mill, Henry Conway's, ſenior, and Leeſburg.

Waſhington.—Joneſborough, Brownſborough, and Peter Range's mill Boon's creek.

Carter.—Elizabethtown and at John Vault's.

Jackſon.—Mouth of Obed's and Roaring rivers, and Flinn's creek.

Cocke.—Newport.

Provided nevertheleſs, that any perſon or perſons having at any landing, which is not by this act appointed a place of public inſpection, a quantity of produce for exportation, and being deſirous to ſhip the ſame directly on board a boat or veſſel for exportation from ſuch landing, it ſhall and may be lawful for ſuch perſon or perſons to call on an inſpector, who is hereby required to inſpect and brand the ſame, under the rules in this act directed, any thing herein contained to the contrary notwithſtanding; and in this caſe ſaid inſpector ſhall be allowed by the perſon ſo requiring his attendance, ſix and a quarter cents for each mile to ſaid place, beſides the ordinary fees.

Sec. 25. *Be it enacted*, That all acts or parts of acts, coming within the purview & meaning of this act, be, & the ſame are hereby repealed.

C H A P. VI.

An ACT *to regulate the proceedings of the court of equity, and for amendment of the law.*—(PASSED NOV. 2, 1801.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the court of equity ſhall not have juriſdiction of any debt or demand of leſs value than fifty dollars, and all inferior juriſdictions ſhall have full power and authority, either originally or by appeal, to hear and finally determine all diſputes of leſs value.

Sec. 2. *Be it enacted*, That where debts ſhall have been contracted in other ſtates, and it ſhall appear to the ſaid court, or a judge thereof, by affidavit annexed to the bill, or otherwiſe, that any ſuch debtor has not ſufficient property liable to execution by *Fieri Facias*, in the ſtate where he reſides, to ſatisfy ſuch debt, and the ſaid debtor ſhall own real or perſonal property in this ſtate, then and in that caſe, ſuch court ſhall have power and authority, upon a bill being exhibited for that purpoſe, to make real or perſonal property as aforeſaid liable for ſuch debt: *Provided*, the complainant ſhall, in all caſes, exhibit ſufficient proof of his having previouſly taken all legal meaſures to the recovery of his debt, which proof ſhall conſiſt of a complete tranſcript copy of the judgment and execution obtained againſt ſuch debtor, and ſuch copy ſhall be certified under hand and ſeal of the clerk of the court in which ſuch judgment was obtained: *Provided alſo*, that ſuch bill or ſuit ſhall be inſtituted or filed in the court of the diſtrict where ſuch real or perſonal property is ſituated: *And further provided*, that nothing herein contained ſhall be conſtrued to invalidate the proceedings on attachments heretofore had at law.

Sec. 3. *Be it enacted*, That the ſaid court ſhall have power to iſſue attachments at law, in order to carry into effect the above proviſions, and in ſuch other equitable caſes where the court may deem it right and proper, to render proceſs in equity more effectual, by ſuperceding ſequeſtration agreeably to the practice of the court of chancery in England.

Sec. 4. *Be it enacted*, That in all caſes of ſuits in equity, upon contracts made in other ſtates, the court ſhall direct publication to be made for ſix weeks next immediately after the riſe of ſuch court, in ſome gazette printed in the ſtate; requiring the appearance of an abſent defendant; and ſhould the ſaid court deem it neceſſary, ſhall direct publication alſo to be made in ſome gazette of the ſtate in which ſuch abſent defendant reſides, agreeably to practice in ſuch caſes. Evidence of ſuch publication ſhall be an affidavit of the printer, or actual production of the gazette or gazettes in court; whereupon, ſhould no plea, anſwer, or demurrer be filed, the bill ſhall be taken *pro confeſſo*, and decreed accordingly; but the ſaid court ſhall not proceed to make a final decree until the court next ſucceeding that in which the bill ſhall have been taken *pro confeſſo* as aforeſaid.

Sec. 5. *Be it enacted*, That any non reſident defendant may plead, anſwer, or demur, at any time before final decree; and ſuch pleading ſhall be put on the rule docket at the firſt rule day after exhibiting the ſame.

Sec. 6. *Be it enacted*, That in all ſuits in the ſaid court, the following rules and methods ſhall be obſerved:

7. The complainant ſhall file his bill as heretofore.

8. And he may amend his bill before the defendant or his attorney hath taken out a copy thereof, or the clerk hath iſſued the ſame; or he may amend in a ſmall matter afterwards without paying coſts; but if he amend after ſuch copy hath iſſued, he ſhall pay the defendant all coſts occaſioned thereby.

9. There ſhall be no other proceſs of contempt than attachment, but without proclamation.

10. No proceſs of contempt ſhall iſſue, unleſs the ſubpœna or writ be returned ſerved by a ſworn officer, or affidavit be made of the ſervice thereof, except in caſes herein provided.

11. Every defendant may ſwear to his anſwer before any one judge or any juſtice of the peace in this ſtate, or any ſuch officer in other ſtates; provided, in the caſe of an affidavit before a judge or juſtice of another ſtate, the clerk of the court in which ſuch judge or juſtice ſhall have juriſdiction, ſhall from under his hand and ſeal of office (if there be one) certify the official capacity of ſuch judge or juſtice.

12. Rules to plead, anſwer, demur, or reply, or other proceedings when neceſſary, ſhall be given from month to month with the clerk in the office, unleſs otherwiſe herein provided; and all orders or rules taken at any one court, ſhall be inſerted on ſuch rules, at the firſt rule day after ſuch term, making the filing of an anſwer, plea, or demurrer, an appearance; which rules ſhall be entered in a book neatly bound, for the information of all parties concerned therein; and the effect to be produced by each rule, ſhall be had and obtained at the expiration thereof.

13. The defendant ſhall plead, anſwer, or demur, at the firſt term to which the proceſs ſhall be returnable, unleſs a further time is allowed by the court, which ſhall expire at ſome one of the rule days herein provided; and the ſaid day of expiration ſhall be conſidered in the taking of rules, as the day for the appearance of the defendant.

14. In all caſes, except ſuch as relate to debts contracted in other ſtates, where the ſheriff ſhall return *non eſt inventus* upon any leading proceſs, the court ſhall proceed to make publication as heretofore, and upon proof thereof as aforeſaid, the court ſhall proceed to make a final decree under the regulations herein provided.

15. If the defendant ſhall fail, on the proceſs being duly ſerved on him or her, to plead, anſwer, or demur, at the term to which the proceſs ſhall be returnable, or to obtain further time to anſwer, then and in that caſe, the bill of the complainant may be taken *pro confeſſo*, at the firſt term as aforeſaid, and the plaintiff may have a general commiſſion to take depoſitions, or proceed by proceſs of contempt, in order to bring the defendant into court to anſwer interrogatories, at his election; and if the defendant ſhall refuſe to anſwer ſuch interrogatories, as the court may put, he or ſhe ſhall be committed: And the plaintiff may proceed on to hearing in the two laſt caſes as if the anſwer had been filed, and the cauſe was at iſſue: *Provided*, that the court, or a judge thereof, on good cauſe ſhewn, may allow the anſwer to be filed and grant a further day for ſuch hearing.

16 After anſwer filed, and no plea in abatement to the local juriſdiction of the court, no exception for want of ſuch juriſdiction ſhall ever afterwards be made

17. If the complainant's attorney ſhall except againſt any anſwer as inſufficient, he may file his exceptions, and give a rule with the clerk to make a better anſwer within one calendar month, and if within that time the defendant ſhall put in a ſufficient anſwer, the ſame ſhall be received without coſts, but if any defendant inſiſts on the ſufficiency of his anſwer, or neglects or refuſes to put in a ſufficient anſwer or ſhall put in another inſufficient anſwer, the plaintiff may ſet down his exceptions to be argued the next term in court, and after the expiration of ſuch rule, or any ſecond inſufficient anſwer put in, no further or other anſwer ſhall be received, but upon payment of coſts.

18 If upon argument in court, the complainant's exceptions ſhall be over ruled, or the defendant's anſwer adjudged inſufficient, the complainant ſhall pay to the defendant, or the defendant to the complainant, ſuch coſts as ſhall be allowed by the court.

19 Upon a ſecond anſwer being adjudged inſufficient by the court, coſts ſhall be doubled, an attachment may iſſue, and the defendant may be examined upon interrogatories, and committed until he or ſhe ſhall have anſwered, or in caſe ſuch defendant ſhall fail to appear upon the return of ſuch attachment, an *alias* attachment ſhall iſſue, upon which no bail ſhall be taken.

20. If the defendant at any time after proceſs of contempt being returned executed, or being brought into court upon ſuch proceſs, or ſhall refuſe to anſwer the plaintiff's bill, or the defendant ſhall put in an inſufficient anſwer, which ſhall be ſo adjudged by the court, the complainant may proceed to have the bill taken *pro confeſſo*, and obtain a decree accordingly; but in that caſe all further proceſs of contempt ſhall ceaſe, and if the defendant ſhall be in cuſtody, the court, or a judge thereof, may order his or her diſcharge.

21. After an attachment returned, no plea or demurrer ſhall be received, unleſs by order of court, upon motion; and upon ſervice of all attachments, bail ſhall be taken unleſs herein otherwiſe directed.

22. In all caſes where judicial proceſs or execution, according to the

principles of the common law, cannot be made to to apply to the purpoſes of carrying into effect any decree in equity, then the court may be authoriſed to order an attachment for contempt provided a copy of the decree ſhall have been ſerved upon the defendant, by reading the ſame to him, at leaſt ten days before court, and due proof being made. And in caſe ſuch defendant ſhall abſcond or keep out of the way, ſo that a copy cannot be ſerved as aforeſaid, or ſuch defendant ſhall evade or refuſe to have the ſaid decree read, ſuch officer or other perſons ſhall leave a copy at the houſe or laſt place of abode of ſuch defendant; and proof of ſuch facts being made by affidavit, the court ſhall have power to order an attachment in the ſame manner as if a copy of the decree had been read as aforeſaid.

23, All attachments for not performing decrees, ſhall be in nature of an execution, on the ſervice of which no bail ſhall be taken, but the party ſhall be committed to the diſtrict jail, there to remain until he performs the decree: *Provided*, that ſuch court, or any of the judges thereof in vacation, ſhall have power to grant a *Habeas Corpus* And if upon interrogatories exhibited on oath to the party brought up on ſuch writ, it ſhall appear to the ſatisfaction of ſuch court or judge, that the party has cleared contempts, the ſaid court or judge may order his or her diſcharge upon ſuch conditions as it reſpects his or her compliance with the decree, as ſuch court or judge may think proper: *Provided always*, that the adverſe party, his agent or attorney, ſhall have reaſonable notice of the time and place of exhibiting ſuch interrogatories, if ſuch party, his agent or attorney at law be within the diviſion.

24. The complainant ſhall reply or file exceptions on or before the ſecond rule day after the term in which the anſwer ſhall have been filed. The defendant having given a rule for replication, may give another rule on the ſaid ſecond rule day for hearing upon bill and anſwer, after the expiration of which the cauſe ſhall be ſet for hearing and no depoſitions or proof ſhall be admitted on either ſide, unleſs by conſent, or by order of court.

25. Hereafter no ſpecial replication ſhall be allowed, and all cauſes ſhall be at iſſue upon filing a general replication.

26 If the complainant conceives any plea or demurrer to be naught, either for the matter or manner of it, he may ſet it down with the clerk to be argued; or if he thinks the plea good, but not true, he may take iſſue upon it, and proceed to trial by jury, as has been heretofore uſed in other cauſes in equity where trial hath been by injury: And if thereupon the plea ſhall be found falſe, the complainant ſhall have the ſame advantages as if it had been ſo found by verdict at common law.

27. If a plea or demurrer be over ruled, no other plea or demurrer ſhall be thereafter received; but the defendant ſhall anſwer the allegations of the bill; and in caſe he or ſhe fail ſo to do, upon a rule being given, the plaintiff may proceed to have his bill taken *pro confeſſo*, as if no plea or demurrer had been filed.

28. Upon a plea or demurrer argued and over ruled, coſts ſhall be paid, as where an anſwer is adjudged inſufficient, but if adjudged good the defendant ſhall have his coſts.

29. If the complainant ſhall not proceed to reply to, or ſet for hearing, any plea, anſwer, or demurrer, (or in caſe of the bill being ſet for hearing upon bill and anſwer by the defendant) he ſhall fail to proſecute his ſuit, on or before the ſecond court after filing or ſetting

the ſame for hearing, in both of theſe caſes the bill may be diſmiſſed of courſe with coſts, during the ſaid ſecond term.

30. Where ſubſcribing witneſſes to the execution of deeds, writings, or other documents, eſſential to the juſtice of a cauſe, live at a greater diſtance than twenty miles from the place of holding court, the depoſitions of ſaid witneſſes ſhall be taken with ſuch deeds, writings or other documents annexed thereto, proving the execution thereof.

31. The mode of proof by oral teſtimony, and examination, either before the court on hearing or the jury on trial of an iſſue of fact, ſhall be the ſame as in courts of law, where ſuch witneſſes reſide or ſhall be found within the diviſion hereafter mentioned, unleſs the parties or their attornies ſhall agree to take depoſitions, which in all caſes ſhall be good, unleſs otherwiſe herein provided. And when the teſtimony of any perſon ſhall be neceſſary in any cauſe depending in ſaid court, who ſhall not reſide in the ſaid diviſion, or is about to go without the ſame before the time of hearing or trial, or is ancient or very infirm, the depoſition of ſuch perſon may be taken *de bene eſſe*, and may be read without proof of ſuch diſability to attend.

32. Depoſitions may be taken before the clerk and maſter, any judge or juſtice of the peace, mayor, or chief magiſtrate of a city or town, not being intereſted, or of counſel, or attorney to either of the parties within this or any other ſtate; or the court may direct depoſitions to be taken before any other perſon, ſhould it be neceſſary.

33. The clerk and maſter ſhall have power to iſſue ſubpœnas for witneſſes, and commiſſions to take depoſitions as of courſe. And proof of notice before the clerk and maſter, ſhall be as effectual as if made in court.

34. As it reſpects giving parties notice, ſummoning witneſſes, and collecting evidence, ſo far as relates to the proviſions of this act, this ſtate ſhall be divided into two diviſions. All that part of the ſtate of Tenneſſee included within the limits of Waſhington and Hamilton diſtricts ſhall compoſe one diviſion, and all that part within the limits of the diſtrict of Mero ſhall compoſe the other diviſion.

35. When the party to be notified ſhall reſide within the diviſion, notice to an agent or attorney at law ſhall not be effectual, unleſs the ſaid agent or attorney at law ſhall agree to receive or accept of notice.

36. When iſſues of fact are neceſſary, it ſhall be the duty of parties, by their attornies, to agree upon the ſame in writing, under their hands, at the rule day, when the replication ſhall have been put in; but in caſe either party ſhall refuſe or neglect to make ſuch agreement at ſuch rule day, then and thereafter, either party, by his attorney aforeſaid, may demand of the clerk copies of the pleadings, viz. bill, anſwer or anſwers, and replication, which copies ſhall be delivered to any one of the judges of the ſaid court, whoſe duty it ſhall be to examine the ſame, and as ſoon as may be, make in writing, under his hand, ſuch iſſues of fact as he may deem material to the attainment of juſtice, and file the ſame of record with the clerk and maſter, within fifteen days after receiving copies of ſaid pleadings, as a guide for the parties in ſummoning witneſſes and taking depoſitions; and the clerk and maſter ſhall mark the day of filing the ſame.

37. Six months after the replication ſhall have been filed, ſhall be allowed the parties for taking depoſitions and procuring evidence, unleſs the parties or their attornies, ſhall agree to ſet the cauſe for hearing

ſooner. At the expiration of the ſaid ſix months either party may ſet the cauſe for hearing; nor ſhall any depoſition taken after that time be read in evidence on the hearing, except by conſent, or leave of court.

38. When a croſs bill ſhall be exhibited, the defendant or defendants to the firſt bill ſhall anſwer thereto, before the defendant or defendants to the croſs bill ſhall be compelled to anſwer ſuch croſs bill.

39. After any bill filed, and before the cauſe ſhall be at iſſue, by replication as aforeſaid, upon oath made by either party, that his or her witneſſes are aged or infirm, or going out of the diviſion, the clerk and maſter may iſſue commiſſions for taking the examination of ſuch witneſſes *de bene eſſe*.

40. If it ſhall appear to the court upon hearing of a cauſe, that iſſues of fact are neceſſary, they may direct the ſame, and that they ſhall be tried *inſtanter*.

41. The court in their ſettings may regulate and controul all proceedings in the office, and for good cauſe ſhewn, may ſet aſide any diſmiſſions, and reinſtate the ſuit on ſuch terms as ſhall appear equitable.

42. For prevention of errors in entering up the decrees and orders of the court, the proceedings of every day ſhall be drawn up at large by the clerk in a bound book, to be called The Order Book, and read in open court the next day, (except thoſe of the laſt day of each term, which ſhall be drawn up, read, and corrected the ſame day) and any neceſſary corrections made therein; and they ſhall be ſigned by the judge or judges of the court preſent the preceding day, when the ſaid proceeding took place, and preſerved among the records.

43 And for the more entire and better preſervation of the records of the court, the clerk and maſter ſhall, within twelve months from the paſſing of this act, record together, in a bound book or books, the proceedings in each cauſe which have been, or ſhall be finally determined before the firſt day of January next. It ſhall be the duty of the ſaid court, or a judge thereof, to examine and certify the performance thereof, at the beginning or ending of ſuch records, ſpecifying the cauſes and number of pages; and in caſe the ſaid clerk and maſter ſhall fail to record the ſame within the time aforeſaid, he ſhall forfeit his office, and it ſhall be the duty of the ſaid court to appoint another fit and proper perſon as clerk and maſter.

44. And all proceedings in cauſes which may be finally determined after the ſaid firſt day of January, ſhall be entered together by the clerk and maſter, in a well bound book, to be called The Record Book, within ſix months from their determination, and it ſhall be the duty of the court at the term next ſucceeding the one in which ſuch cauſes were determined, or a judge in vacation, to examine the ſaid records and certify the recordings as aforeſaid; and in caſe the clerk and maſter ſhall fail herein, it ſhall be the duty of ſaid court to diſplace him as aforeſaid, and appoint another perſon.

45 The proceedings in each cauſe to be recorded together, ſhall be the pleadings, conſiſting of bill, anſwers, pleas, demurrers, replications, iſſues of fact, verdicts thereon, and decrees, as the caſe may be.

46 The clerk and maſter ſhall file and carefully preſerve in order, all papers belonging to his office, ſubject to the examination of the court; and ſhall keep a memorandum book, in which ſhall be noted every ſubpœna for witneſſes, commiſſions *de bene eſſe*, or otherwiſe, the day they iſſued, and any other proceedings of the ſaid clerk and maſter, not en-

tered on his records, rule docket, or minutes. And the ſaid memorandum book ſhall be open for parties and their attornies, to make ſuch memorandums for the direction of the clerk, as may be neceſſary.

47 When actions of ejectment or caveats, ſhall have been brought, and injunctions granted, ſuch injunctions ſhall not be diſſolved, but attend the final determination of the cauſe.

48. Inſtead of decreeing parties to convey lands as heretofore practiſed in equity, the ſaid court ſhall have power by decrees, reſpecting titles, to diveſt thereby (without conveyance from the party) the property of the perſon or perſons againſt whom a decree ſhall be made, under ſuch conditions and limitations as may be therein expreſſed : *Provided always*, that copies of ſuch decrees ſhall be recorded in the regiſter's office of the county where the land lies, agreeably to the law in force reſpecting the regiſtration of deeds, for which the regiſter ſhall be allowed the ſame fee as for regiſtering a conveyance; which fee ſhall be paid by the party for whoſe benefit ſuch decree ſhall have been made.

Sec. 49. And in order to procure uniform and permanent rules of deciſion in the ſaid court reſpecting real property, *It is enacted*, that in all cauſes where the title of land ſhall come in queſtion, it ſhall be the duty of ſaid court, before a decree ſhall be pronounced, to give in open court the reaſons for ſuch decree ; and it ſhall be further the duty of the court pronouncing a decree as aforeſaid, to enter in a Record Book to be kept by the clerk and maſter for that particular purpoſe, in as conciſe a manner as the nature of the caſe may admit of, the ſaid reaſons, and ſign the ſame : It ſhall alſo be the duty of any diſſenting judge, to enter and ſign his reaſons as aforeſaid ; and the clerk and maſter from time to time, is required to provide at the public expence ſuch well bound books as may be neceſſary for that purpoſe, and the ſaid clerk ſhall be allowed for the ſame in his ſettlement with the treaſurer.

Sec 50. *Be it enacted*, That in all cauſes in the ſaid court, where the title of land ſhall come in queſtion, two of the ſaid judges at leaſt ſhall concur in making a decree.

Sec. 51. *Be it enacted*, That the ſaid court ſhall have power, and are hereby directed, to make from time to time, all further general or ſpecial rules and regulations, not inconſiſtent with the proviſions of this act, as juſtice may require.

Sec. 52. *Be it enacted*. That for ſervices required by this act, the clerk and maſter ſhall be allowed the ſame fees as heretofore ; and as a full compenſation for taking and preſerving the rules eſtabliſhed by this act, ſhall be allowed ten cents for each rule inſerted on the rule docket, not exceeding for all the rules taken on ſuch docket, in any one cauſe, the ſum of one dollar.

Sec. 53. And whereas upon bills of review in the ſaid court, it may be thought reaſonable, during the pendency of ſuch bills, or until cauſe ſhall be ſhewn to the contrary, to ſtay proceedings on the decree which ſuch bills are intended to review, *Be it enacted*, That the ſaid court, when a bill praying a review of the proceedings in which a decree ſhall have been pronounced, ſhall be preſented, may upon ſuch bill and the circumſtances of the caſe as the ſame ſhall appear ſatisfactory, direct proceedings on ſuch decree to be ſtayed until a decree on the ſaid bill of review ſhall be made, or until the further order of the ſaid court; or the ſaid court may refuſe to grant a ſtay of proceedings in that caſe as ſhall ſeem right : *Provided*, that the ſaid court may in either of the ſaid caſes, direct ſuch ſecurity to be given, and in ſuch place, as is uſual in caſes of injunction, or ſuch other ſecurity as ſhall ſeem reaſonable: Provided, that no bill of review ſhall be brought, or a motion made therefor, except within three years from the time of pronouncing ſuch decree; ſaving to infants, feme coverts, perſons *non compos mentis* impriſoned, or beyond ſeas, a right to move for a bill of review within three years after ſuch diſability ſhall have been removed.

Sec. 54. B*e it enacted*, That ſuits may hereafter be brought both in courts of law and equity in the names of aſſignees of bonds with collateral conditions, bills or notes for ſpecific articles, or the performance of any duty.

Sec. 55. *Be it enacted*, That no plea of *non eſt factum*, either in law or equity, ſhall be received, unleſs on oath.

Sec. 56. B*e it enacted*, That private acts of aſſembly may be given in evidence, without pleading them ſpecially, either in law or equity.

Sec. 57. B*e it enacted*, That papers read in evidence, either in law or equity, though not under ſeal, may be carried from the bar by the jury.

Sec 58. B*e it enacted*, That every perſon deſirous of ſuffering a non ſuit on trial at law, ſhall be barred therefrom, unleſs he do ſo before the jury retire from the bar.

Sec. 59. *Be it enacted*, That not more than two new trials ſhall be granted to the ſame party in the ſame cauſe at law, or upon trial of an iſſue of fact in equity.

Sec 60 *Be it enacted*, That after iſſue joined in any ejectment on the title only, no exceptions of form or ſubſtance ſhall be taken to the declaration in any court whatſoever; and the verdict of the jury, and judgment of the court thereon, may be pleaded in bar to any ejectment brought afterwards by the ſame party, or any perſon claiming under him, her, or them, on the ſame title.

Sec. 61. *Be it enacted*, That any inſtrument to which the perſon making the ſame ſhall affix a ſcroll by way of ſeal, ſhall be adjudged and holden to be of the ſame force and obligation as if it were actually ſealed.

Sec. 62. B*e it enacted*, That if in detinue, the verdict ſhall omit price or value, the court may at any time award a writ of enquiry to aſcertain the ſame. If on an iſſue, concerning ſeveral things in one count in detinue, no verdict be found for part of them, it ſhall not be error, but the plaintiff ſhall be barred of his title to the things omitted.

Sec. 63 B*e it enacted*, That where there are ſeveral counts, one of which is faulty, and entire damages is given, the verdict ſhall be good; but the plaintiff may apply to the court to inſtruct the jury to diſregard ſuch faulty count.

Sec. 64. *Be it enacted*, That a judgment on confeſſion at law, or filing an injunction in equity, ſhall be equal to a releaſe of errors.

Sec. 65. *Be it enacted*, That the law of coſts ſhall not be interpreted as penal laws.

Sec. 66 *Be it enacted*, That in all actions of debt which ſhall be brought upon any bond or bonds for the payment of money, or upon bonds with collateral conditions, wherein the plaintiff ſhall recover, judgment ſhall be entered for the penalty of ſuch bond, to be diſcharged by the payment of the principal and the intereſt due thereon, or the damages aſſeſſed by the jury, and other coſts of ſuit, and execution ſhall iſſue accordingly. Or if, before judgment, the defendant ſhall bring into court the principal and intereſt due on the bond, conditioned for the payment of money, he ſhall be diſcharged, and in that caſe judgment ſhall be entered for the coſts only. And in any action of debt on ſingle bill or in debt, or *ſcire facia's* upon a judgment, or in debt upon bond, if before action brought the defendant hath paid the principal and intereſt due by the defeaſance or condition, he may plead payment in bar.

Sec. 67. *Be it enacted*, That all and every act or acts, and all parts of acts containing any thing within the purview of this act, ſhall be, and are hereby repealed.

Sec. 68. *Be it enacted*, That this act ſhall be in force from and after the paſſing thereof.

CHAP. VII.

AN ACT *to define the juriſdiction of juſtices of the peace and for other purpoſes therein mentioned*—(PASSED NOV. 6, 1801.)

WHEREAS it appears to this general aſſembly, that many inconveniences ariſe to the citizens of this ſtate, in the diſtribution of juſtice, under the law paſſed at Knoxville on the 23d day of October, one thouſand ſeven hundred and ninety nine, entitled, "An act to encreaſe the juriſdiction of juſtices of the peace—For remedy whereof,

Sec 1. *BE it enacted by the General Aſſembly of the State of Tenneſſee*, That all debts and demands of fifty dollars and under, where the balance is due on any contract, ſpecialty, note or agreement for goods, wares and merchandize ſold and delivered, or for work or labor done, or for ſpecific articles, whether due by obligation, note or aſſumpſit, are hereby declared to be cognizable and determinable by any one juſtice of the peace out of court, and judgment may be given and execution awarded accordingly; ſubject, nevertheleſs, to appeal of either party, to be tried in the county court by a jury as in other caſes: *Provided always*, that judgment given by a juſtice of the peace, execution ſhall be ſtayed in the following manner, viz.—For all ſums of five dollars or under, twenty days.—For all ſums over five dollars, and not exceeding ten dollars, thirty days—For all ſums over ten dollars, and not exceeding twenty dollars, ſixty days—And for all ſums over twenty dollars, and under thirty five dollars, ninety days.—And for all ſums over thirty five dollars, and not exceeding fifty dollars, one hundred and twenty days. For the full and true performance of which, with legal coſts and intereſt till paid, the party requiring ſuch ſtay of execution ſhall give ſufficient ſecurity, if required by the adverſe party. And if the judgment ſhall not be diſcharged at the time the ſtay of execution has expired, then it ſhall and may be lawful for any juſtice of the peace of the county, having ſuch judgment in his poſſeſſion, to iſſue execution againſt the principal and his ſecurities, without any intermediate proceſs.

Sec. 2. *Be it enacted*, That in all caſes where any legal officer, or perſon deputed by the juſtice of the peace, executing any proceſs for any debt or demand, the perſon executing the ſame ſhall take a bail bond, if required by the plaintiff, which requiſition ſhall be ſtated on the warrant, with ſufficient ſecurity for his, her, or their appearance before a juſtice of the peace living neareſt to the plaintiff's place of abode, or where he uſually reſides, within the juriſdiction of the juſtice: Provided he is unconnected with the parties by blood or marriage; in that caſe the next neareſt juſtice. And if the perſon ſo bound ſhall fail to attend, the juſtice of the peace may proceed to try the cauſe, award judgment, and iſſue execution againſt the principal and ſecurities for debt and coſts; and if the defendant will not give ſecurity, if required by the plaintiff, it ſhall be the duty of the conſtable, or perſon ſerving the warrant, to bring him forthwith to trial or commit him to the goal of his county by order of any juſtice of the peace, there to remain until trial can be had, which ſhall take place as early as practicable: *Provided*, That in all caſes, where either plaintiff or defendant ſhall fail to attend on the firſt notice, the juſtice ſhall poſtpone the trial, and direct the conſtable to notify the abſentee to attend on ſuch day as the juſtice may think proper to appoint, upon which day the ſaid juſtice ſhall at the requeſt of the parties, or either of them (as the caſe may be) proceed to try ſaid ſuit, and award judgment according to law and evidence, reſerving to the abſent party on the firſt citation the right of filing his reaſons, on oath, for ſuch failure, and if they ſhall be deemed valid by the juſtice, the ſaid abſentee ſhall not be taxed with coſts, but if otherwiſe, ſhall be liable to pay coſts to the officer equal to the fee for ſerving a warrant.

Sec. 3. Be *it enacted*, That from and after the paſſing of this act, the juſtices of the peace in the ſeveral counties in this ſtate, ſhall receive for granting attachment, and taking a bial bond, ſeventy five cents, and ſixty ſix cents for taking and encloſing and returning affidavits or depoſitions, when appointed for that purpoſe, and no other fees whatever.

Sec. 4. *Be it enacted*, That where any perſon in future ſhall make application for a writ of *certiorari* and *ſupercedeas* to remove the proceedings of a juſtice of the peace, in any cauſe which has been determined, the party petitioning for ſuch writ, ſhall ſtate his reaſons upon oath, within twenty days after the date of the judgment, before any two juſtices of the peace; and if on examination ſuch reaſons ſhould be ſufficient, the ſaid juſtices ſhall direct the clerk of their county court to iſſue writs accordingly; and the ſaid clerk upon iſſuing ſuch writ, ſhall direct the juſtice of the peace, by whom the judgment was granted, to encloſe all the papers relative to ſaid ſuit, under hand and ſeal, and tranſmit the ſame to his office on the firſt day of the court next ſucceeding; and the ſaid clerk ſhall alſo iſſue a writ of *ſupercedeas* in all neceſſary caſes, which ſhall be directed to the officer in whoſe hands the execution may be, and the ſame ſhall be an effectual bar againſt all future proceedings by him thereon, and it ſhall be the duty of the ſaid officer, in all caſes, to notify the plaintiff of ſuch proceeding, to the end that he may avail himſelf of the advantage of making his defence on the aforeſaid firſt day of the next ſucceeding court.

Sec. 5. *Be it enacted*, That the conſtable or other officer ſhall be entitled to the following fees, viz. —For executing a warrant fifty cents — For every ſummons, twenty five cents.—For every execution or attachment, fifty cents—For commiſſion on all ſales by execution or otherwiſe, ſix per cent —For whipping any perſon by order of court, or by order of any juſtice of the peace, thirty three cents.—For every bail bond, twelve and an half cents —And in caſe any conſtable, or other legal officer, fail or refuſe to render the monies on executions put into his hands, within thirty days after the expiration of the ſtay, or twenty days, if no ſtay of execution is granted, unleſs by his return it ſhall appear no property can be found to ſatisfy the debt and coſts, it ſhall and may be lawful for the perſon aggrieved in the premiſes, or his attorney, to move for judgment againſt the officer herein offending, and his ſecurities, at the next county court wherein the delinquency happens. And it ſhall be the duty of the ſaid court, if on inveſtigation, it ſhall appear to the court the conſtable or other legal officer ſo offending, is guilty of neglect in rendering the monies as aforeſaid, to order out execution againſt the delinquent officer and his ſecurities, for the debt and coſts complained of.

Sec. 6. *Be it enacted,* That all laws and parts of laws, which come within the purview and meaning of this act, are hereby repealed and made void, any thing to the contrary notwithſtanding.

CHAP. VIII.

AN ACT *to amend an act, entitled,* "An act aſcertaining what property in this ſtate ſhall be deemed taxable, and the mode of collecting, accounting for, and paying public taxes."—(PASSED NOV. 14, 1801.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That ſo much of the third ſection of the above recited act as directs the court in each county, after the firſt day of January in each and every year, to appoint a juſtice of the peace for each captain's diſtrict, in the different counties, to receive liſts of taxable property, for the then preſent year, is hereby repealed, except for the enſuing year; and that at the laſt court in the year 1802, and in every ſucceeding year thereafter, in each and every county, the ſaid courts ſhall appoint a juſtice of the peace for each captain's diſtrict in the different counties, to receive liſts of taxable property and polls for the ſucceeding year; and if any juſtice of the peace ſo appointed to receive liſts of taxable property and polls as by law directed, ſhall fail or neglect to take ſuch liſts, and make return to the clerk of their county as required, ſuch juſtice ſo failing or neglecting ſhall be fined at the diſcretion of the court not exceeding fifty dollars, unleſs ſufficient cauſe be ſhewn for ſuch failure, to be adjudged of by the court And ſhould either of the clerks fail to furniſh the ſheriff of their county with a true liſt of the taxable property made to him as required, ſaid clerk ſo failing, ſhall be fined at the diſcretion of the court, not exceeding fifty dollars, unleſs ſufficient cauſe be ſhewn as aforeſaid.

Sec. 2. *Be it enacted,* That all lands hereafter executed within this ſtate for taxes, ſhall be advertiſed twice in the gazette of the diſtrict wherein the lands lie, and once in the gazette at Knoxville, for which the printers ſhall be allowed the ſum of ſeventy five cents for each publication: *Provided nevertheleſs,* That nothing herein contained ſhall be ſo conſtrued as to authoriſe the ſheriff or ſheriffs of the diſtricts of Mero and Waſhington to publiſh the lands of citizens of ſaid diſtricts in the gazette at Knoxville.

Sec. 3. *Be it enacted,* That ſo much of the ninth ſection of the above recited act, as impoſes a fine of fifty dollars for not returning liſts of their taxable property and polls is hereby repealed. And all fines impoſed by virtue of this act, ſhall be applied to the uſe of the county wherein the ſame may be.

Sec. 4. *Be it enacted,* That if any tract or parcel of land ſhall be ſold by the ſheriff for taxes, it ſhall be in the power of the owner or owners of ſaid land, by paying to the ſheriff the aforeſaid taxes and coſts, together with one hundred per cent. on the ſame, any time within twelve months from and after ſuch ſale; and the ſheriff ſhall make no conveyance of any lands by him ſo ſold, until the expiration of twelve months from & after ſuch ſale as aforeſaid, and it ſhall be the duty of the ſheriff to return the money ſo received to the original purchaſer, together with the fifty per cent.

CHAP. IX.

An ACT *reſpecting the ninth and twenty fourth ſections of an act entitled, "An act aſcertaining what property in this ſtate ſhall be deemed taxable and the mode of collecting, accounting for, and paying public taxes," paſſed October the 25th, 1797*—(PASSED OCT. 29, 1801.)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That all perſons who have incurred the fine and double tax under the act above recited, by not returning their taxable property and polls either by themſelves, their agents, attornies, or managers where judgment has not been entered up and execution ordered by the court, ſhall be releaſed from the ſaid fine or fines: *Provided*, they return a true liſt of all ſuch lands, polls, and property as deſcribed by the above recited act, unto the clerk of each and every county court, at the ſecond court in each county after the firſt day of January next, and pay the ſingle tax, together with all coſts and charges accruing thereon, for their non performance aforeſaid, unto the ſheriff or collector of each and every county, within ten days after the liſts were returned to the clerk as aforeſaid, which monies when collected, ſhall be accounted for in the ſame manner that other public taxes are.

Sec. 2. B*e it enacted,* That ſo much of the twenty fourth ſection of the ſaid act as comes within the purview and meaning of this act, ſhall be, and the ſame is hereby repealed and made void, any law to the contrary notwithſtanding.

CHAP. X.

An ACT *authoriſing the county courts of pleas and quarter ſeſſions in particular caſes to appoint collectors of public and other taxes*.—(PASSED OCT. 17, 1801.)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That where any ſheriff hath failed or refuſed to give bond and ſecurity as required by law for the collection of taxes, that the court of the county where ſuch failure or refuſal hath taken place, ſhall elect a collector of public and other taxes, which collector, when ſo appointed and accepting, ſhall be entitled to the ſame perquiſites, have the ſame powers, and be ſubject to the ſame rules, regulations, penalties, and forfeitures as collectors under the exiſting laws.

Sec. 2. *Be it enacted,* That all collectors appointed under the authority of this act, ſhall have nine months from the time of their appointments to complete their reſpective collections, and make final ſettlement and payment of the monies which by law they ſhall be reſpectively authoriſed to collect.

Sec. 3. B*e it enacted,* That this act ſhall be in force from and after the paſſing thereof.

CHAP. XI.

An ACT *to compel plaintiffs who commence, and tenants againſt whom ejectments may iſſue, to give bail*—(PASSED NOVEMBER 10, 1801.)

WHEREAS it frequently happens, that perſons who have no title to lands, take poſſeſſion thereof, and when declarations in ejectment are ſerved on them, either fail to come into court and make themſelves defendants, or after having made themſelves defendants, move away before a recovery is had, and thereby compel the perſons who have inſtituted ſuits to pay the coſts thereof, although they recover poſſeſſion of the land;

Sect. 1. *Be it enacted by the General Aſſembly of the State of Tenneſſee,* That from and after the paſſing of this act, when any perſon or perſons wiſh to inſtitute an action of ejectment, it ſhall and may be lawful for ſuch perſon or perſons to draw a declaration in ejectment as heretofore practiſed in this ſtate, and upon his or their producing the ſaid declaration to the clerk of the court in which he or they intend to inſtitute ſuit, and giving to the ſaid clerk ſuch bond and ſecurity for proſecuting ſaid ſuit as perſons inſtituting other ſuits are by law required to give, it ſhall be a duty of the ſaid clerk to iſſue a writ, directed to the ſheriff of the county in which the land ſued for lies, commanding him to take the perſon who is tenant in poſſeſſion of the ſaid land, and have him at the then next ſitting of the court in which the ſaid ſuit is commenced, to anſwer the plaintiff, viz. the nominal leſſee of a plea wherefore with force and arms, he broke and entered the cloſe of the ſaid plaintiff, and ejected him, to his damage five hundred dollars.

Sec 2. *Be it enacted,* That the ſheriff to whom the ſaid writ is directed, upon receiving the ſame, and alſo the declaration in ejectment, ſhall ſerve the ſaid declaration in ejectment on the tenant in poſſeſſion as heretofore, and ſhall alſo at the ſame time ſerve the ſaid writ, and take a bail bond with ſecurities, in the ſum mentioned in the ſaid writ, which bond ſhall be by him aſſigned to the leſſor of the plaintiff.

Sec. 3 *Be it enacted,* That the ſaid tenant, againſt whom the ſaid writ iſſued, ſhall be liable and bound to pay, and judgment ſhall be given againſt him for the coſts and damages which may accrue or be recovered on ſuch ſuit, whether the poſſeſſion is recovered by default or by trial of the cauſe, and that execution may iſſue for ſuch coſts and damages.

Sec. 4 *Be it enacted,* That the bail ſo taken by the ſheriff, ſhall be held and taken as ſpecial bail, and ſhall be proceeded againſt in the ſame manner as bail in other actions, and ſhall be compelled to pay all ſuch coſts and damages as may accrue or be recovered on the ſuit, whether the recovery is had againſt the perſon for whom they were bail, by default or by trial of the cauſe: Provided neverthleſs, that the ſaid bail ſhall have the ſame mode of exonerating themſelves as bail in other actions.

Sec. 5. *Be it enacted,* That in no inſtance ſhall any perſon be admitted a defendant, unleſs he enter into the common rule, and at the ſame time give ſecurity for the coſts; and if the landlord of the tenant in poſſeſſion wiſh to become defendant, he ſhall alſo enter into the common rule and give ſecurity as aforeſaid, and the tenant and his ſecurities thereby ſhall be exonerated from the bail bond given by them to the ſheriff at the time of the ſervice of the writ.

CHAP. XII.

AN ACT *directing the duty of ſheriffs in certain caſes.* (PASSED NOVEMBER 14, 1801.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That when any perſon is or may be appointed as ſheriff in and for any county, ſuch perſon ſhall immediately enter into bond with ſufficient ſecurity, payable to the governor for the time being, in ſuch penalty as the county court ſhall direct, conditioned for the collection and payment of all public and county taxes that may become due, during the time for which ſuch perſon ſhall be ſo appointed; and upon ſuch perſon failing to give bond and ſecurity as aforeſaid, the ſaid office ſhall be conſidered as vacant, and the ſaid court ſhall immediately proceed to appoint ſuch other proper and fit perſon to fill ſuch office as will comply with the above requiſitions, any law, uſage, or cuſtom to the contrary notwithſtanding. And the ſheriff ſhall be allowed in the ſettlement of his accounts at the rate of ſix dollars on every hundred dollars of public and county taxes by him lawfully accounted for.

Sec. 2. *Be it enacted,* That in writs of *ſcire facias,* it ſhall not be neceſſary to inſert that the ſame ſhall be made known before good and lawful men; and the reading or making known the contents of ſuch writ to the perſon on whom to be executed, by the proper officer, ſhall be deemed a ſufficient execution thereof.

CHAP. XIII.

AN ACT *to amend the law relative to the levying of executions, and the ſervice of certain other proceſs.* (PASSED NOVEMBER 10, 1801.)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That when any execution may be levied on real or perſonal property, if the debtor ſhall give ſufficient ſecurity to the officer to have the goods and chattels forthcoming at the day and place of ſale, it ſhall be the duty of the officer to take a bond payable to the creditor, for double the amount of the ſum in the execution, reciting the ſervice of the execution and the amount of the money due thereon; conditioned for the true performance of the ſame, and if ſuch debtor fail to deliver the ſame property agreeable to the condition of the ſaid bond, or pay the money due thereon, the officer ſhall proceed immediately to execute ſo much of the property of the debtor as will be ſufficient to ſatiſfy the execution with coſts, if to be found in his bailiwick; if property is not to be found ſufficient to ſatisfy the execution belonging to the principal, then the officer ſhall proceed and levy the execution on the property of the ſecurity ſufficient to ſatisfy the balance due on the execution, and make ſale of the ſame agreeably to the rules and reſtrictions as heretofore is preſcribed by law in ſimilar caſes.

Sec. 2. *Be it enacted,* That it ſhall be the duty of the ſeveral courts of pleas and quarter ſeſſions, at the next court after the firſt day of January next, and as often after as may be found neceſſary, proceed to appoint one or more judicious freeholders in the bounds of each militia company of infantry, in their reſpective counties, for the purpoſe of valuing all property both real and perſonal, as ſhall hereafter be directed by this act, and before they proceed on their duty, ſhall take the following oath or affirmation (as the caſe may be) to wit:—"I, A. B. do ſolemnly ſwear (or affirm) that I will well and truly value all the property committed to my truſt agreeably to my appointment, without favour, affection, partiality or prejudice, to the beſt of my ſkill and ability. *So help me God.*"

Sec. 3. *Be it enacted,* That any ſheriff or other officer, that may levy an execution on any property, he ſhall, at the requeſt of the creditor or debtor, or either of their agents or attornies, at leaſt five days before the day of ſale, ſummon three valuers to be appointed by this act, to attend at the day and place of ſuch ſale, & the aforeſaid ſheriff or other officer, for ſummoning ſuch freeholder as valuer, ſhall receive and be allowed twenty five cents, and ſuch freeholder, while in ſervice as a valuer, ſhall be allowed for each day fifty cents, to be paid by the defendant, and the valuer ſo notified, ſhall not be related by affinity or conſanguinity, if they or any one of them fail to appear at the time & place appointed, the parties or in caſe they cannot agree, the officer may appoint other diſcreet freeholders of the by ſtanders, to fill ſuch vacancy who ſhall take the ſame oath as directed by this act, which oath the officer is empowered to adminiſter; and the valuers being complete as aforeſaid, ſhall proceed to value the property then under execution, and ſhall return to the officer a ſchedule of the amount of the property; and the officer ſhall proceed to ſell the ſame. If the property, or any lot of the property, will not ſell for two thirds of the valuation in ready money, it ſhall be lawful and optional with and for the creditor to take the ſame, or as much thereof as will be ſufficient to ſatiſfy the execution, or what balance there may remain due thereon, at two thirds of the valuation as aforeſaid. If the creditor refuſe to take the property, and the debtor will give ſufficient ſecurity to ſtay the execution, the officer ſhall proceed to take a bond for the amount of the ſum that remains due on the execution, with intereſt till paid, payable to the creditor, in twelve months, which bond ſhall be under hand and ſeal of the debtor and his ſecurity; and on default, or neglect, or refuſal to give bond as required, his goods and chattels, lands and tenements ſhall be expoſed to ſale, at the requeſt of the creditor, or ſo much thereof as will be ſufficient to ſatiſfy the ſame without delay.

Sec. 4. *Be it enacted,* That nothing herein contained ſhall be conſtrued to extend where the contracts may be made payable in money in the firſt inſtance. This act is provided altogether for debts and damages where the contracts may be payable and to be diſcharged in property only.

Sec. 5. Be *it enacted,* That this law ſhall not be conſtrued as to affect or operate upon any contract or debt entered into, or judgment obtained previous to the paſſage thereof, any law, uſage or cuſtom to the contrary notwithſtanding.

Sec 6. *Be it enacted,* That this act ſhall be in force from and after the firſt day of January next.

CHAP. XIV.

AN ACT *to amend that part of the ſecond ſection of an act making proviſion for miſtakes in ſurveys of land as requires a majority of the acting juſtices to be preſent when the relief is granted.* (PASSED OCT. 29, 1801.)

BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That from and after the paſſing of this act, it ſhall and may be lawful for a majority, or any number not leſs than five, of the acting juſtices in any county in this ſtate, when in ſeſſion, to grant relief to any perſon or perſons, bodies politic or corporate, agreeably to the above recited act, when thereunto requeſted.

CHAP. XV.

AN ACT *to empower ſecurities to recover damages in a ſummary way.*
(PASSED NOVEMBER 10, 1801.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That in all caſes where judgment hath been or ſhall hereafter be entered up before any judicature within this ſtate, againſt any perſon or perſons as ſecurity or ſecurities, their heirs, executors, or adminiſtrators, upon any note, bill, bond, or obligation, and the amount of ſuch judgment, or any part thereof hath been paid or diſcharged by ſuch ſecurity or ſecurities, his, her, or their heirs, executors, or adminiſtrators, it ſhall and may be lawful for ſuch ſecurity or ſecurities, his, her, or their executors or adminiſtrators to obtain judgment by motion againſt ſuch principal obligor or obligors, his, her or their heirs, executors, or adminiſtrators, for the full amount of what ſhall have been paid by the ſecurity or ſecurities, his, her, or their heirs, executors, or adminiſtrators, in any court, or before any judicature where judgment may have been entered up againſt ſuch ſecurity or ſecurities, his, her, or their heirs, executors, or adminiſtrators, or within any other court or judicature in this ſtate upon the production of a copy of the record or judgment legally authenticated.

Sec. 2. *Be it enacted*, That where the principal obligor or obligors have, or ſhall hereafter become inſolvent, and there have been, or ſhall be two or more ſecurities jointly bound with ſaid obligor or obligors in any bill, bond, note, or other obligation, for the payment of money or other thing, and judgment hath been or hereafter ſhall be obtained againſt one or more of ſuch ſecurities, it ſhall and may be lawful for the court or judicature before whom ſuch judgment was or ſhall be obtained, upon motion of the party or parties againſt whom judgment hath been entered up as ſecurity as aforeſaid, to grant judgment and award execution againſt all and every of the obligors and their legal repreſentatives for their and each of their reſpective ſhares and proportions of the ſaid debt.

Sec. 3. *Be it enacted*, That no ſecurity or ſecurities, his, her, or their executors or adminiſtrators, ſhall be ſuffered to confeſs judgment, or ſuffer judgment to go by default, ſo as to diſtreſs his, her, or their principal or principals, if ſuch principal or principals, will enter him, her, or themſelves a defendant or defendants to the ſuit, and tender to the ſecurity or ſecurities his, her, their executors or adminiſtrators, other good and ſufficient collateral ſecurity, to be approved of by the court or judicature before whom the ſuit ſhall be depending.

Sec. 4. *Be it enacted*, That in all caſes where judgment hath been or ſhall hereafter be entered up before any judicature in this ſtate, againſt any perſon as bail for the appearance of another, to defend any ſuit depending in ſuch court or judicature, and the amount of ſuch judgment or any part thereof, hath been paid or diſcharged by ſuch bail, his, her, or their heirs, executors, or adminiſtrators, it ſhall and may be lawful for ſuch bail, his, her, or their heirs, executors, and adminiſtrators, to obtain judgment, by motion, againſt the perſon or perſons for whoſe appearance they were bound, his, her, or their heirs, executors, or adminiſtrators, for the full amount of what ſhall have been paid by the ſaid bail, his, her, or their heirs, executors or adminiſtrators, in any court, or before any judicature where judgment may have been entered up againſt ſuch bail, or within any other court or judicature in this ſtate, upon the production of a copy of the record legally authenticated.

CHAP. XVI.

AN ACT *to repeal that part of the law which compels the owners of ferries to take out tavern licence.*—(PASSED OCTOBER 29, 1801)

BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That ſo much of an act of the governor, council, and aſſembly of the province of North Carolina, now in force and uſe in this ſtate, as compels all owners or keepers of ferries to take out tavern licence, and to furniſh travellers with entertainment, paſſed in the year one thouſand ſeven hundred and ſixty ſeven, is hereby repealed and made void, any law to the contrary notwithſtanding.

CHAP. XVII.

AN ACT *authoriſing the ſeveral courts to remove their clerks for miſbehavior in office*—(PASSED NOV. 13, 1801.)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That if any clerk of a court of record ſhall hereafter willingly, wittingly or corruptly do any act or thing contrary to the duties of his office as preſcribed by law, or in like manner omit or refuſe to perform any ſervices or duties required of him by any act or acts of the general aſſembly, he ſhall be deemed guilty of a miſbehaviour in office, and conviction thereof by indictment, the court of which he is clerk ſhall have full power and authority to remove him from office, and elect another in his ſtead: But nothing herein contained ſhall be conſtrued to prevent any clerk from appealing to the ſuperior court of his diſtrict as in other caſes.

Sec 2. *Be it enacted,* That immediately upon a bill being found againſt any clerk, the court may continue or ſuſpend him as may to them appear confident: And ſhould the court ſuſpend ſuch clerk, they ſhall appoint a clerk *pro tempore,* until a final deciſion can be had, who ſhall be entitled to the fees ariſing from ſaid office during his continuance therein. And if upon trial of the iſſue of traverſe the fact or facts ſhould not be ſupported, the court ſhall reinſtate ſuch clerk ſo ſuſpended; but ſhould the charge be ſupported, and be of the magnitude and deſcription mentioned in the firſt ſection of this act, the court ſhall have power to remove ſuch clerk and to appoint another: *Provided,* a majority of the acting juſtices be preſent.

Sec. 3. *Be it enacted,* That ſo much of an act, entitled, "an act to direct the manner in which the ſeveral clerks and maſters in equity, of the ſuperior courts of law, clerks of the county courts, and the regiſter of each and every county, ſhall ſettle with the treaſurer of their reſpective diſtricts for the public taxes by them collected," as expreſſes that the clerks therein named may be impeached for failing to pay the public taxes in manner therein preſcribed, is hereby repealed, and every other part of ſaid act ſhall continue in full force.

Sec. 4. *Be it enacted,* That upon the ſuſpenſion or removal from office of any clerk, the court ſhall have power and authority to call for and demand of ſaid clerk, all records, papers and documents of what kind ſoever, belonging to his ſaid office. And in caſe the ſaid clerk ſhould fail or refuſe to deliver the ſaid records, papers, or documents, when thereto required and demanded, he ſhall forfeit and pay the ſum of five thouſand dollars, to be recovered by action of debt before any juriſdiction having cognizance thereof.

CHAP. XVIII.

AN ACT *concerning debtors and their ſecurities.*—PASSED NOV. 10, 1801.

WHEREAS in many inſtances creditors have delayed to commence actions on bonds, covenants, bills, or promiſſory notes, executed for money or ſpecific articles, until the principal debtor or debtors of ſuch creditors either becoming inſolvent or migrating from the ſtate, the innocent ſecurities of ſuch debtor or debtors have been ultimately compelled to diſcharge the amount of the money or ſpecific articles due by ſuch bond, covenant, bill, or promiſſory note, without the poſſibility of being afterwards reimburſed by ſuch principal debtor or debtors.—For remedy whereof,

Sec. 1. *BE it enacted by the General Aſſembly of the State of Tenneſſee,* That when any perſon or perſons ſhall hereafter become bound as ſecurity or ſecurities, by bond, bill, covenant, or note, for the payment of money or ſpecific articles, and ſhall apprehend that his, or their principal debtor or debtors is or are likely to become inſolvent, or migrate from the ſtate without previouſly diſcharging ſuch bond, covenant, bill or note, ſo that it will be impoſſible or extremely difficult for ſuch ſecurity or ſecurities, after being compelled to pay the amount which may be due by ſuch bonds, covenants, bills, or notes, to recover the ſame back from ſuch principal debtor or debtors, it ſhall and may be lawful for ſuch ſecurity or ſecurities in every ſuch caſe, provided ſuch bond, covenant, bill or note ſhall have been due and payable, to require, by notice in writing, of his or their creditor or creditors, forthwith to put the bond, covenant, bill, or note, by which he or they may be bound as ſecurity or ſecurities as aforeſaid, in ſuit; and unleſs the creditor or creditors ſo required, to put ſuch bond, covenant, bill, or note in ſuit, ſhall within thirty days thereafter, commence an action on ſuch bond, covenant, bill, or note, and proceed with due diligence in the ordinary courſe of law, to recover a judgment for, and by execution to make the amount due by ſuch bond, covenant, bill, or note, the creditor or creditors ſo failing to comply with the requiſitions of ſuch ſecurity or ſecurities, ſhall thereby forfeit the right which he or they would otherwiſe have to demand and receive of ſuch ſecurity or ſecurities, the amount due by ſuch bond, covenant, bill or note.

Sec. 2. *Be it enacted,* That any ſecurity or ſecurities, or in caſe of his or their death, then his or their executors or adminiſtrators may in like manner, and for the ſame cauſe, make ſuch requiſition of the creditor or creditors of ſuch ſecurity or ſecurities, or of the executors or adminiſtrators of ſuch creditor or creditors, as it is herein before enacted, may be made by a ſecurity or ſecurities of his or their creditor or creditors, and in caſe of the failure of the creditor or creditors, or their executors or adminiſtrators, ſo to proceed, ſuch requiſition as aforeſaid being duly made, the ſecurity or ſecurities, his or their executors or adminiſtrators making the ſame, ſhall have the ſame relief that is herein before provided for a ſecurity or ſecurities, when his or their creditor or creditors, or the executors or adminiſtrators of ſuch creditor or creditors ſhall be guilty of a ſimilar failure.

Sec. 3. *Be it enacted,* That it ſhall be lawful for the aſſignor or aſſignors of ſuch bonds, covenants, bills, and notes as aforeſaid, *his, her,* or their executors or adminiſtrators, whenever he or they may apprehend that the original drawer or drawers of ſuch inſtruments of writing as aforeſaid, are likely to become inſolvent, or migrate and leave the ſtate, to require by notice in writing as aforeſaid, the aſſignee or aſſignees, his, her, or their executors or adminiſtrators, forthwith to put ſuch bond, covenant, bill, or note as aforeſaid, in ſuit againſt the drawer or drawers, provided the ſame ſhall be due and payable; and unleſs the aſſignee or aſſignees, his, her, or their executors or adminiſtrators, ſo required to put ſuch bond, covenant, bill, or note in ſuit, ſhall, within thirty days after ſuch notice as aforeſaid, commence an action thereon, and proceed as ſecurities are directed in the firſt ſection of this act, againſt their principal, the aſſignee or aſſignees of ſuch inſtruments of writing as aforeſaid, ſhall thereby forfeit the right which he or they would otherwiſe have to demand and receive of ſuch aſſignor or aſſignors the amount which may be due by ſuch bond, covenant, bill, or note.

Sec. 4. *Be it enacted*, That where actions are brought againſt ſecurities or aſſignees as aforeſaid, contrary to the true intent and meaning of this act, he, ſhe, or they may give this act in evidence : *Provided*, he or they prove in open court by two witneſſes, a copy of the notice aforeſaid to have been ſerved on the perſon or perſons bringing ſuch actions.

Sec. 5. *Be it enacted*, That nothing in this act contained ſhall be ſo conſtrued as to effect bonds which may be entered into by guardians, executors, adminiſtrators, or public officers.

Sec. 6. *Be it enacted*, That the rights and remedies of any creditor or creditors, againſt any principal debtor or debtors ſhall be in no wiſe affected by this act.

CHAP. XIX.

AN ACT *making judgment bonds lawful, and directing the mode of proceeding thereon* —(PASSED NOV. 10, 1801.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That from and after the paſſing of this act, if any perſon or perſons ſhall enter into bond to ſecure the payment of any ſum or ſums of money, and therein authoriſe any perſon to confeſs judgment in any court of record, or before any juſtice of the peace having juriſdiction thereof, it ſhall and may be lawful for ſuch court or juſtice, on motion, and due proof of the bond made, to enter up judgment in favor of the creditor or creditors, at any time after the bond becomes due, and iſſue execution accordingly : *Provided always*, that no ſuch judgment ſhall be entered up, unleſs it ſhall appear to ſuch court or juſtice, that a notice of the intention of the creditor to make ſuch motion at a particular day and place therein mentioned, has been ſerved on the debtor or debtors, or left at his, her, or their uſual place of abode by ſome ſworn officer, at leaſt ten days previous to the making of ſuch motion.

Sec. 2. *Be it enacted*, That it ſhall be the duty of the ſheriff, conſtable, or other legal officer, as the caſe may be, to ſerve a copy of the ſaid notice, and make due return thereof ; and he ſhall be liable to the ſame penalties for neglect or failure, and have the ſame fees for executing and returning the ſame, as in caſe of ſubpœnas for witneſſes.

Sec 3. *Be it enacted*, That if the defendant or defendants ſhall appear purſuant to the notice, or on any day during the ſame ſeſſion of the court, and tender ſufficient ſecurity for the payment of the principal ſum due, with intereſt thereon till paid, & the coſts, the court ſhall cauſe the ſame to be entered on record, and thereupon execution ſhall be ſtayed as follows : For all ſums over fifty dollars, and not exceeding one hundred dollars, three months.—Over one hundred, and not exceeding two hundred dollars, ſix months.—Over two hundred, and not exceeding four hundred dollars; nine months.—And for all ſums over four hundred dollars, twelve months.—And after the expiration of the time limitted for the ſtay as aforeſaid, then execution may iſſue againſt the defendant and his ſecurities, or either of them, for the principal ſum due, and intereſt and coſts as in other ſimilar caſes.

CHAP. XX.

AN ACT *for the relief of ſuch perſons as have ſuffered, or may ſuffer, by their grants, deeds, or meſne conveyances not being proved or regiſtered within this ſtate.*—(PASSED NOV. 6, 1801)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That if any perſon has ſuffered, or may ſuffer, by their grants, deeds, or meſne conveyances not being proved and regiſtered within this ſtate, it ſhall and may be lawful for ſuch perſon or perſons to prove and regiſter his, her, or their grants, deeds or meſne conveyances.

Sec. 2. Be *it enacted,* That this act ſhall be in force until the end of the next ſtated ſeſſion of the general aſſembly.

CHAP. XXI.

An ACT *to amend an act, entitled,* " An act to aſcertain the boundaries of land, and for perpetuating teſtimony.—PASSED NOVEMBER 6, 1801.

BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That all the privileges, benefits, and advantages ariſing under or accruing to others, by virtue of an act, entitled, " An act to aſcertain the boundaries of land, and for perpetuating teſtimony, paſſed at Knoxville in the year 1799, ſhall extend to the citizens reſident ſouth of French Broad and Holſton, and between the rivers Big Pigeon and Tenneſſee, holding or claiming, or that may hold or claim land by right of occupancy, ſo far as may reſpect their rights to, or the conditional or boundary lines of their reſpective claims or rights of occupancy and pre-emption in that tract of country, any thing in the proviſo to the fourth ſection of ſaid recited act to the contrary notwithſtanding.

CHAP. XXII.

An ACT *for the reſtraint of idle and diſorderly perſons.*—PASSED NOVEMBER 13, 1801.

WHEREAS it becomes neceſſary for the welfare of the community, to ſuppreſs wandering, diſorderly and idle perſons:

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That any perſon or perſons who have no apparent means of ſubſiſtence, or neglect applying themſelves to ſome honeſt calling for the ſupport of themſelves and families, every perſon ſo offending, who ſhall be found ſauntering about neglecting his buſineſs, and endeavoring to maintain himſelf by gaming or other undue means, it ſhall and may be lawful for any juſtice of the peace of the county wherein ſuch perſon may be found, on due proof made, to iſſue his warrant for ſuch offending perſon, and cauſe him to be brought before ſaid juſtice, who is hereby empowered, on conviction, to demand ſecurity for his good behaviour, and in caſe of refuſal or neglect, to commit him to the goal of the county, for any term not exceeding five days, at the expiration of which time he ſhall be ſet at liberty if nothing criminal appears againſt him, the ſaid offender paying all charges ariſing from ſuch impriſonment; and if ſuch perſon ſhall be guilty of the like offence from and after the ſpace of thirty days, he, ſo offending, ſhall be deemed a vagrant, and be ſubject to one month's impriſonment, with all coſts accruing thereon, which if he neglects or refuſes to pay, he may be continued in priſon until the next court of the county, who may proceed to try the ſaid offender, and if found guilty by a verdict of a jury of good and lawful men, ſaid court may proceed to hire the offender for any ſpace of time not exceeding ſix months, to make ſatisfaction for all coſts, but if ſuch perſon or perſons ſo offending, be of ill fame, ſo that he or they cannot be hired for the coſts, nor give ſufficient ſecurity for the ſame and his future good behaviour, in that caſe it ſhall and may be lawful for the ſaid court to cauſe the offender to receive not exceeding thirty nine laſhes, on his bare back, after which he ſhall be ſet at liberty, and the coſts ariſing thereon ſhall become a county charge; which puniſhment may be inflicted as often as the perſon may be guilty, allowing thirty days between the puniſhment and the offence.

Sec. 2. *Be it enacted*, That it ſhall not be lawful for any perſon or perſons of ill fame or ſuſpicious character, to remove him or themſelves from one county to another in this ſtate, without firſt obtaining a certificate from ſome juſtice of the peace of ſaid county or captain of his company, ſetting forth his intention in removing, whether to ſettle in ſaid county, or if travelling, to ſet forth his buſineſs and deſtination, and if ſuch traveller ſhould be deſirous to ſtay in any county longer than ten day, he ſhall firſt apply to ſome juſtice of ſaid county for leave, and obtain a certificate for that purpoſe, ſetting forth the time of his permiſſion, and if ſuch perſon ſhall be found loitering in ſaid county after the expiration of his permit, or fail to obtain the ſame agreeable to the true intent and meaning of this act, ſuch perſon or perſons ſo offending, may be apprehended by any perſon or perſons, and carried before ſome juſtice of the peace, who may enquire into his character and buſineſs; and fine him at his diſcretion, not exceeding ten dollars; but if ſaid traveller ſhall be found on examination, to be a perſon of ill fame, and there is reaſon to ſuſpect he is loitering in ſaid county for evil purpoſe, attempting to acquire a living by gambling, or other bad practices, ſuch juſtice ſhall have power to commit any perſon of like character, until he ſhall find good and ſufficient ſecurity for his good behaviour, for any time not exceeding ten days, and ſaid juſtice of the peace or court of the county, ſhall proceed againſt ſuch offender, in the ſame manner as is heretofore preſcribed for vagrants.

Sec. 3. *Be it enacted*, That all and every keeper or keepers, exhibitor or exhibitors, of either of the gaming tables commonly called A. B. C. or E. O. tables, or faro bank, or of any other gaming cloth table, or bank of the ſame, or like kind, under any denomination whatever, ſhall be deemed and treated as a vagrant, and moreover it ſhall be the duty of any judge or juſtice of the peace, by warrant under his hand, to order ſuch gaming table or cloth to be ſeized and publicly burned or deſtroyed; ſaid warrant ſhall be directed to ſome one conſtable within the county, whoſe duty it ſhall be, forthwith to execute the ſame: *Provided*, That nothing herein contained, ſhall be ſo conſtrued as to extend to billiard tables.

Sec. 4. *Be it enacted*, That it ſhall not be lawful for any houſe keeper to harbor any idle perſon of the character aforeſaid, for any longer time than is heretofore ſpecified, under the penalty of twenty dollars for every ſuch offence, to be recovered by warrant before any juſtice of the peace of the county where the offence is committed.

Sec 5. *Be it enacted*, That it ſhall be the duty of each juſtice of the peace, on information being made on oath to him or them, that there is a perſon or perſons of the aforeſaid deſcription, loitering in his or their county, then and in that caſe he or they ſhall iſſue his or their warrant againſt ſuch perſon or perſons agreeable to this act: *And provided*, he or they ſhall neglect or refuſe ſo to do, it ſhall be deemed a miſdemeanor in office, for which he or they ſhall be impeachable, and on conviction be removed from office.

Sec 6. *Be it enacted*, That if any perſon or perſons ſhall publicly ride or go armed to the terror of the people, or privately carry any dirk, large knife, piſtol or any other dangerous weapon, to the fear or terror of any perſon, it ſhall be the duty of any judge or juſtice, on his own view, or upon the information of any other perſon on oath, to bind ſuch perſon or perſons to their good behaviour, and if he or they fail to find ſecurities, commit him or them to goal, and if ſuch perſon or perſons ſhall continue ſo to offend, he or they ſhall not only forfeit their recognizance, but be liable to an indictment, and be puniſhed as for a breach of the peace, or riot at common law.

Sec. 7. *Be it enacted*, That if any perſon or perſons ſhall unlawfully cut out or diſable the tongue, put out an eye, ſlit a noſe, bite or cut off a noſe, ear or lip, or cut off or diſable any limb or member, or ſtab any perſon whatſoever, in doing ſo, to maim, wound or disfigure in any of the manners before mentioned, ſuch perſon or perſons ſo offending, their counſellors, aiders and abettors, knowing of, and privy to the offence, ſhall be and are hereby declared to be felons, and ſhall ſuffer as in caſe of felony: *Provided nevertheleſs*, he or they ſhall be entitled to benefit of clergy, and be further liable to an action of damages to the party injured.

Sec. 8. *Be it enacted*, That all fines inflicted by this act, ſhall be one half to him that will ſue for the ſame, and the other half to the uſe of the county.

Sec. 9. *Be it enacted*, That all laws and parts of laws, which come within the meaning and purview of this act, are hereby repealed.

CHAP. XXIII.

An ACT *to authoriſe the ſeveral county courts of pleas and quarter ſeſſions to remit and mitigate fines and forfeitures on recognizances as therein mentioned*—(PASSED OCTOBER 12, 1801.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the ſeveral courts of pleas and quarter ſeſſions in this ſtate, ſhall have power to remit or mitigate all fines by them inflicted, and all forfeitures on recognizances, previous to entering final judgment thereon: Provided, a majority, or any number not leſs than nine of the juſtices of ſaid county be preſent when ſuch remittance or mitigation ſhall be made.

Sec. 2. *Be it enacted*, That ſo much of any other act as comes within the purview and meaning of this act is hereby repealed.

CHAP. XXIV.

An ACT *concerning adminiſtrations granted on the eſtates of perſons dying inteſtate, therein mentioned*—(PASSED NOVEMBER 10, 1801.)

WHEREAS heretofore the courts of pleas and quarter ſeſſions, during the being of the temporary government called Franklin, granted adminiſtrations on the eſtates of perſons who died inteſtate, and have iſſued letters of adminiſtration accordingly, in virtue and by authority of which, the perſons ſo adminiſtering, have proceeded to adminiſter upon the goods and chattels, rights and credits of their inteſtates reſpectively: And whereas it will contribute to the peace and quiet of families, that adminiſtrations on ſuch eſtates, ſo as aforeſaid granted, be deemed and declared valid,

Sec. 1. *BE it enacted by the General Aſſembly of the State of Tenneſſee*, That all adminiſtrations granted by any of the ſaid courts of pleas and quarter ſeſſions, and letters of adminiſtration by any of the aforeſaid courts iſſued, on the eſtate or eſtates of any perſon who died inteſtate, and all proceedings in virtue of ſuch letters of adminiſtration had and done, of, and concerning any ſuch eſtate, agreeably to, and in conformity with the rules and regulations of law reſpecting the eſtates of perſons dying inteſtate, and granting adminiſtration thereon, at that time in force and uſe in the ſtate of North Carolina, ſhall be held and deemed, taken and adjudged, and are hereby declared to be good and valid to all intents and purpoſes whatſoever.

Sec. 2. *Be it enacted*, That in any queſtion or controverſy that may ariſe, of or concerning the granting adminiſtration by any of the courts of pleas and quarter ſeſſions in the firſt ſection of this act mentioned, and iſſuing letters of adminiſtration, or of or concerning any proceedings had in virtue and by authority of ſuch adminiſtration ſo granted, and letters of adminiſtration thereon iſſued, no plea or exception to the juriſdiction of the court granting ſuch adminiſtration, ſhall be admitted or allowed in any court of law or equity in this ſtate.

CHAP. XXV.

AN ACT *to prevent frauds and perjuries* — PASSED OCT. 29 1801.

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, that no action ſhall be brought whereby to charge any executor or adminiſtrator upon any ſpecial promiſe, to anſwer any debt or damages out of his own eſtate, or whereby to charge the defendant upon any ſpecial promiſe to anſwer for the debt, default, or miſcarriage of another perſon, or to charge any perſon upon any agreement made upon conſideration of marriage, or upon any contract for the ſale of lands, tenements or hereditaments, or the making any leaſe thereof for a longer term than one year, or upon any agreement which is not to be performed within the ſpace of one year from the making thereof, unleſs the promiſe or agreement upon which ſuch action ſhall be brought, or ſome memorandum or note thereof ſhall be in writing, and ſigned by the party to be charged therewith, or ſome other perſon by him thereunto lawfully authoriſed.

Sec. 2. *Be it enacted*, That every gift, grant, conveyance of lands, tenements, hereditaments, goods or chattels, or of any rent, common, or profit out of the ſame by writing or otherwiſe, and every bond, ſuit, judgment, or execution, had, or made and contrived of malice, fraud, covin, colluſion, or guile, to the intent or purpoſe to delay, hinder, or defraud creditors of their juſt and lawful actions, ſuits, debts, accounts, damages, penalties or forfeitures, or to defraud or deceive thoſe who ſhall purchaſe the ſame lands, tenemants or hereditaments, or any rent, profit or commodity out of them, ſhall be henceforth deemed, and taken only as againſt the perſon or perſons, his, her, or their heirs, ſucceſſors, executors, adminiſtrators or aſſigns, and every of them, whoſe debts, ſuits, demands, eſtates, interests, by ſuch guileful and covenous devices and practices as aforeſaid, ſhall or might be in any wiſe diſturbed, hindred, delayed, or defrauded, to be clearly and utterly void, any pretence, colour, feigned conſideration, expreſſing of uſe, or any other matter or thing to the contrary notwithſtanding. And moreover if a conveyance be of goods or chattels, and be not on conſideration deemed valuable in law, it ſhall be taken to be fraudulent within this act, unleſs the ſame be by will duly proved and recorded, or by deed in writing, acknowledged or proved, if the ſame deed include lands alſo, in ſuch manner as conveyances of land are by law directed to be acknowledged, or proved, or if it be of goods and chattels only, then acknowledged or proved by one or more witneſs or witneſſes in any court of record and regiſtered in the regiſter's office of the county, where the ſaid goods and chattels, or the moſt valuable part of them are, within eight months after the execution thereof, or unleſs poſſeſſion ſhall really and *bona fide* remain with the donee; and in like manner where any loan of goods and chattels, ſhall be pretended to have been made to any perſon with whom, or thoſe claiming under him, poſſeſſion ſhall have remained by the ſpace of five years without demand made and purſued by due proceſs at law on the part of the pretended lender, or where any reſervation or limitation ſhall be pretended to have been made of a uſe of property by way of condition, reverſion, remainder or otherwiſe, in goods or chattels, the poſſeſſion whereof ſhall have remained in another as aforeſaid, the ſame ſhall be taken as to the creditors and purchaſers of the perſons aforeſaid ſo remaining in poſſeſſion, to be fraudulent within this act, and that the abſolute property is with the poſſeſſion, unleſs ſuch loan, reſervation, or limitation of uſe or property were declared by will or by deeds, in writing, proved and recorded as aforeſaid.

Sec. 3. *Be it enacted*, That this act ſhall not extend to any eſtate or intereſt in any lands, goods, or chattels, or any rents common or profit out of the ſame, which ſhall be upon good conſideration, and *bona fide* lawfully conveyed or aſſured to any perſon or perſons, bodies, politic or corporate, or to any perſon lending his own property to any perſon or perſons without an intention of fraud.

Sec. 4. *Be it enacted*, That this act ſhall commence and be in force from and after the firſt day of January next.

CHAP. XXVI.

AN ACT *in addition to an act, entitled, "An act to amend an act eſtabliſhing courts of law and regulating the proceedings therein."*—(PASSED OCT. 29, 1801.)

WHEREAS it is found that the diſtrict goals in ſome inſtances are inſufficient for the purpoſe of ſecuring criminals and offenders, to remedy which, and to procure a ſpeedy and impartial trial of offenders, according to the proviſions of the conſtitution;

Sect. 1. *Be it enacted by the General Aſſembly of the State of Tenneſſee*, That in all caſes where offenders ſhall have been committed to, or impriſoned in the diſtrict goal, and the governor for the time being ſhall be of opinion that there is a probability of an eſcape, or that the principles of juſtice or humanity require a ſpeedy trial, it ſhall be his duty to iſſue a commiſſion to the judges of the ſuperior court, empowering them, or any one of them, to hold a court of oyer and terminer, purſuant to the thirty eighth ſection of the aforeſaid act.

Sec 2. *Be it enacted*, That whenever the ſaid commiſſion ſhall be delivered to any one of the ſaid judges, it ſhall be his duty, and he is hereby required to iſſue a *venire facias* to the ſheriff of the county where the diſtrict court is held, and to any adjoining county, if neceſſary, commanding him or them to ſummon thirty five good and lawful men, to appear on a certain day therein to be ſpecified, at the diſtrict courthouſe, out of which number ſhall be taken a grand jury, to enquire of, and preſent the offence with which ſuch offender may ſtand charged, by ballot, agreeably to the law in force, and the balance of the ſaid jurors ſhall ſerve as a petit jury, on the trial of ſuch offender, ſaving to ſuch offender the right of challenge to jurors as heretofore: *Provided*, that there ſhall be allowed by the ſaid judge, a ſufficient time to enable the ſaid priſoner to procure his teſtimony, as well as the ſtate, and for the ſaid ſheriff or ſheriffs to ſummon jurors as aforeſaid. *And be it further provided*, that if by challenge or otherwiſe, there ſhall not be a ſufficient number of the ſaid original pannel, or there ſhould be none of the ſaid original pannel to make a petit jury for the trial of the aforeſaid priſoner, then and in thoſe caſes byſtanders may be ſummoned *inſtanter*, as taliſmen, or to make a petit jury.

Sec. 3. *Be it enacted*, That immediately upon the receipt of the ſaid commiſſion, ſuch judge ſhall notify in writing each of the other judges, if convenient, and the ſtate's attorney, to attend at ſaid trial, and alſo the priſoner, ſtating particularly the time and place, upon which it ſhall be the duty of the ſheriff to ſerve ſuch notices : *Provided always*, that if it ſhall be neceſſary for the purpoſe of juſtice, the ſaid judge or judges holding court, may, if the bill be found true, adjourn the court to ſome further day.

Sec. 4. *Be it enacted*, That nothing herein contained ſhall be ſo conſtrued as to entitle ſaid judge or judges to receive any compenſation or ſalary heretofore eſtabliſhed by law, or otherwiſe, for holding ſaid court or courts, but may be allowed therefor by the ſucceding legiſlature, next after the year of 1804.

Sec. 5. *Be it enacted*, That all acts and parts of acts, coming within the purview of this act, ſhall be and are hereby repealed.

CHAP. XXVII.

An ACT *impowering the county courts to emancipate ſlaves.*—(PASSED NOVEMBER 13. 1801.)

WHEREAS the number of petitions preſented to this legiſlature praying the emancipation of ſlaves not only tend to involve the ſtate in ſerious evils, but are alſo productive of great expence. For remedy whereof :

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That when any perſon or perſons being reſidents of this ſtate, and owners of ſlaves which they are deſirous of ſetting free, they ſhall prefer a petition to the court of the county in which they reſide, ſetting forth the intention and motives for ſuch emancipation, and if the court upon examining the reaſons ſet forth in ſaid petition, ſhould be of opinion, that acceding to the ſame would be conſiſtent with the intereſt and policy of the ſtate, the chairman thereof ſhall report on the petition accordingly, and ſign his name thereto, which petition ſhall be filed in the office of the clerk of ſaid county. But no petition ſhall be granted, unleſs the petitioner firſt enter into bond with approved ſecurity, in ſuch ſum as the court may think proper, to reimburſe ſuch damages as the county may ſuſtain in conſequence of ſuch ſlave or ſlaves becoming chargeable, and upon theſe requiſitions being complied with, ſuch ſlave ſhall be held and deemed free, and entitled to all the privileges and immunities that other free people of colour in this ſtate are.

Sec. 2. *Be it enacted*, That when any perſon or perſons liberated by virtue of this act, ſhall by any ways or means be rendered incapable of providing for him or herſelf the common neceſſaries of life, ſuch ſlave or ſlaves ſhall be provided for by the county in which he or ſhe was emancipated, and may be removed thereto from any other county, there to be provided for in the manner directed by an act, entitled, "an act making proviſion for the poor," paſſed at Knoxville, October the 20th, one thouſand ſeven hundred and ninety ſeven.

Sec. 3. *Be it enacted,* That no county court as aforeſaid, ſhall receive a petition for emancipation, unleſs nine, or a majority of the juſtices of peace of ſaid county be preſent, and in either caſe a concurrence of two thirds muſt be had, in order to liberate any ſlave.

Sec. 4. *Be it enacted,* That the clerk of the court ſhall record all proceedings of emancipation, and make out a certificate to the ſlave or ſlaves who may be liberated by virtue of this act, for which his fees ſhall be equal to the fees for ſervices of ſimilar extent, and ſhall be paid by the maſter of ſaid ſlave or ſlaves.

CHAP. XXVIII.

AN ACT *to repeal ſo much of an act, entitled, "An act aſcertaining the number of judges of the ſuperior courts of law and equity, and fixing their ſalary, and directing their qualification to office," paſſed at Knoxville, the 28th day of March, 1796, as comes within the purview and meaning of this act.*—(PASSED NOVEMBER 6, 1801.)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That from and after the fifteenth day of October inſtant, there ſhall be allowed to each judge of the ſuperior court of law and equity, as a full compenſation for his ſervices, one hundred dollars for each and every court he may attend, to be paid out of any monies in the treaſury of this ſtate not otherwiſe appropriated.

Sec. 2. *Be it enacted,* That it ſhall be the duty of each judge to attend each and every court; and in caſe of failure, a deduction from his pay ſhall be made proportioned to the time he ſo fails or neglects to attend, unleſs he be prevented by ſickneſs or ſome unforeſeen accident, then and in that caſe, he ſhall receive pay as by this act directed: *Provided,* his non attendance does not exceed one term.

Sec. 3. *Be it enacted,* That the fourth and fifth ſections of the above recited act, ſo far as come within the purview and meaning of this act, be, and they are hereby repealed.

CHAP. XXIX.

AN ACT *authoriſing the governor of this ſtate to appoint commiſſioners to ſettle and deſignate the true boundary line between this ſtate and the ſtate of Virginia; and alſo a commiſſioner to go forward to the ſtate of Kentucky to lay before the executive thereof, at their next general aſſembly, a memorial entered into by the general aſſembly of this ſtate.*—(PASSED NOVEMBER 13, 1801.)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the governor for the time being is hereby authoriſed and required, as ſoon as may be convenient after the paſſing of this act, to appoint three commiſſioners on the part of this ſtate, one of whom ſhall be a mathematician capable of taking the latitude, who, when ſo appointed are hereby authoriſed and empowered, or a majority of them, to act in conjunction with ſuch commiſſioners as are or may be appointed by the ſtate of Virginia, to ſettle and deſignate a true line between the aforeſaid ſtates.

Sec. 2. *Be it enacted,* That there ſhall be appointed, by the authority aforeſaid, one ſurveyor, who, together with the aforeſaid commiſſioners, ſhall each receive five dollars per day, as full compenſation for their ſervices and expences whilſt they are performing the duties enjoined by this act; and there ſhall alſo be choſen by the commiſſioners, one ſuitable perſon as marker of the line aforeſaid, who ſhall receive two dollars per day in full diſcharge for his ſervices and expences.

And whereas it may be difficult for this legiſlature to aſcertain with preciſion, what powers ought of right to be delegated to the ſaid commiſſioners—Therefore,

Sec. 3. *Be it enacted*, That the governor is hereby authoriſed and required, from time to time to iſſue ſuch inſtructions to the commiſſioners, as he may deem proper, for the purpoſe of carrying into effect the object intended by this act, conſiſtent with the true intereſt of this ſtate.

Sec. 4. *Be it enacted*, That the ſaid commiſſioners, as ſoon as may be, ſhall report in writing to the governor for the time being, a true ſtatement of all their proceedings relative to the running and eſtabliſhing of the ſaid line, whoſe duty it ſhall be to lay the ſame before the ſucceeding legiſlature.

Sec. 5. *Be it enacted*, That the governor is hereby authoriſed and required to appoint a commiſſioner to go forward to the ſtate of Kentucky, and lay before the executive thereof a memorial of this general aſſembly, and requeſt him to lay the ſame before the general aſſembly of that ſtate at their next meeting; which commiſſioner ſo appointed is hereby veſted with full power, on the part of this ſtate, to enter into any agreements with the general aſſembly, or any perſon by them appointed, reſpecting the attainment of that part of the ſtate of Kentucky lying ſouth of Greene river, and adjoining this ſtate, or any part thereof; and the ſaid commiſſioner ſhall receive five dollars per day, as a full compenſation for his ſervices and expences whilſt he ſhall be neceſſarily employed in performing the duties required by this act; and ſhall report to the executive of this ſtate, what may have been done relative to the object of his miſſion, and the governor ſhall lay the ſame before the next general aſſembly.

Sec. 6. *Be it enacted*, That the governor be, and he is hereby authoriſed and empowered to draw upon either of the treaſurers of this ſtate for ſuch ſum or ſums of money as may be neceſſary for carrying this act into effect: *Provided*, the ſame doth not exceed one thouſand dollars; and if it ſhould exceed that ſum, the deficiency ſhall be provided for by the ſucceeding legiſlature.

CHAP XXX.

AN ACT *prohibiting any ſtates attorney or ſolicitor of a county, from preferring a bill of indictment to any grand jury, without a proſecutor marked thereon.*—(PASSED NOV. 13, 1801)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That no ſtates attorney, or ſolicitor of a county, ſhall prefer a bill of indictment to any grand jury in this ſtate, without a proſecutor marked thereon, any law to the contrary notwithſtanding.

Sec. 2. *Be it enacted*, That if any ſtates attorney, or county ſolicitor, ſhall prefer a bill of indictment againſt any perſon or perſons, contrary to the true intent and meaning of this act, the party or parties againſt whom ſuch bill ſhall be preferred, may give this act in evidence; and the court ſhall order him or them to be diſcharged, & the ſtates attorney or county ſolicitor ſhall be anſwerable for the coſt which may have accrued on ſuch bill, and execution may iſſue againſt him or them for the ſame.

Sec. 3. *Be it enacted*, That nothing contained in the firſt and ſecond ſections of this act, ſhall be conſtrued to extend to any preſentments made by the grand jury, or to any bill of indictment founded thereon.

CHAP. XXXI.

AN ACT *to carry into effect a reſolution of Congreſs, paſſed the 29th day of September, in the year 1789.*—(PASSED OCT. 29, 1801)

WHEREAS it is recommended by a reſolve of the firſt ſeſſion of the Congreſs of the United States, to the legiſlatures of the ſeveral ſtates, to paſs laws making it expreſsly the duty of keepers of the goals, to receive and ſafe keep therein, all perſons committed under the authority of the United States, until they ſhall be diſcharged by the due courſe of the laws thereof, under the like penalties as in the caſe of priſoners committed under the authority of ſuch ſtates reſpectively; the United States promiſing on their part to pay for the uſe and keeping of ſuch goals, at the rate of fifty cents per month for each priſoner who ſhall be committed under their authority, during the time ſuch priſoner ſhall be confined therein, and alſo to ſupport ſuch of ſaid priſoners as ſhall be committed for offences:

Sec. 1. B*e it enacted by the General Aſſembly of the State of Tenneſſee*, That when any priſoner or priſoners ſhall be delivered to the keeper of any goal in this ſtate, by or under the authority of the United States, ſuch keeper is hereby commanded to receive and ſafely keep every ſuch priſoner or priſoners; and all and every keeper or keepers of any goal in this ſtate, refuſing or neglecting to take poſſeſſion of, and ſafely keep any priſoner or priſoners delivered to him or them, by or under the authority of the United States aforeſaid, ſhall be ſubject to the ſame pains and penalties as for neglect or refuſal to receive and ſafely keep any priſoner or priſoners delivered them under the authority of this ſtate: *Provided*, that in all caſes in which the United States ſhall be a party, the marſhal or perſon delivering ſuch priſoner, and in all civil caſes the party at whoſe inſtance ſuch priſoner ſhall be committed, ſhall be liable to ſuch goaler or keeper, for the priſon fees and ſubſiſtence of ſuch priſoner, while ſo impriſoned; which priſon fees and ſubſiſtence ſhall be the ſame as are or may be provided for by law, for priſoners committed under the authority of the ſtate.

Sec. 2 *Be it enacted*, That the monies ariſing from the aforeſaid fifty cents per month, as ſtated in the preamble of this act, ſhall be collected from the marſhal by the goaler receiving any priſoner as aforeſaid, who is hereby directed to pay the ſame to the treaſurer or truſtee of his county, immediately after receiving the ſame, which monies ſhall be by ſaid treaſurer or truſtee accounted for in the ſame manner as other county monies.

CHAP XXXII.

AN ACT *to prevent the evil practice of duelling.*—PASSED NOV 10, 1801.

Section 1. B*E it enacted by the General Aſſembly of the State of Tenneſſee*, That from and after the paſſing of this act, if any perſon or perſons ſhall attempt to fight a duel, by challenge, or otherwiſe, he or they on conviction thereof, ſhall forfeit and pay the ſum of fifty dollars, and ſhall further be committed to cloſe goal for ſixty days, and there to remain without bail or mainprize, and alſo forfeit the rights and privileges of a citizen for and during the ſpace of one year thereafter; and if any perſon or perſons ſhall bear a challenge from one perſon to another, to fight a duel, the perſon bearing the ſame, on due proof being made thereof, ſhall forfeit and pay the ſum of fifty dollars, and ſhall be committed to cloſe goal for and during the ſpace of thirty days, there to remain without bail or mainprize.

Sec. 2 *Be it enacted*, That if any perſon ſhall hereafter accept any challenge to fight a duel, he, ſo accepting, ſhall forfeit and pay the ſum of fifty dollars, and alſo forfeit all his rights and privileges of citizenſhip, for and during the ſpace of one year thereafter.

Sec. 3. *Be it enacted*, That if any perſon ſhall hereafter fight a duel and either of the perſons ſo fighting be killed, it ſhall be held and deemed wilful murder by the ſurviving perſon, who ſhall ſuffer death without benefit of clergy.

Sec. 4. *Be it enacted*, That each and every juſtice of the peace in this ſtate, ſhall have juriſdiction of all matters and things in this act contained, except in caſes of murder, and therein, ſo far as commitment to the proper goal deſignated for criminal offences, and each and every of ſaid juſtices of the peace, and other civil officers in this ſtate, are hereby enjoined to take cognizance thereof.

Sec 5 *Be it enacted*, That all fines and forfeitures ariſing by virtue of this act, ſhall be one half to the perſon who will ſue for the ſame, the other half to the uſe of the ſtate, any law, uſage or cuſtom to the contrary notwithſtanding.

Sec. 6 *Be it enacted*, That all laws and parts of laws, coming within the purview and meaning of this act, ſhall be, and are hereby repealed.

CHAP XXXIII.

AN ACT *declaring that there ſhall be but one attorney general for the ſtate, aſcertaining his duty and compenſation for his ſervices and repealing the former act on that ſubject.*—(PASSED NOV 2, 1801)

WHEREAS it is found expedient that one attorney general ſhall be appointed for this ſtate, and that the act heretofore paſſed on that ſubject ſhould be repealed,

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That there ſhall be appointed a meet perſon, learned in law, to act as attorney general for the ſtate of Tenneſſee, who ſhall be commiſſioned by the governor, and ſworn or affirmed to the faithful diſcharge of the duties of his office, previous to entering on the execution thereof.

Sec. 2. *Be it enacted*, That it ſhall be the duty of the attorney general to attend at every term of the ſuperior court ot law to be holden in the different diſtricts of this ſtate, to proſecute all delinquents for crimes and offences cognizable in ſaid courts, in all caſes either originally commenced in any of the ſaid courts, or removed thereto from any county court by habeas corpus, appeal, certiorari or writ of error, to conduct all ſuits in ſaid courts in which the ſtate ſhall be concerned, and to give his opinion on queſtions of law concerning the intereſt of the ſtate, when required by the governor or either of the treaſurers.

Sec. 3. *Be it enacted*, That the ſaid attorney general ſhall be allowed as a compenſation for his ſervices the ſum of fifty dollars, excluſive of ſuch fees as are by this act, or may by law be allowed him, for each term of ſaid courts that he may attend, to be paid by either of the treaſurers of this ſtate, out of any monies in the treaſury not otherwiſe appropriated, on a certificate from the clerk of ſuch court that he has attended the term; and the clerks of ſaid courts reſpectively, are hereby required to furniſh the attorney general at the end of each term, with ſuch certificate.

Sec. 4. *Be it enacted,* That after the paſſing of this act, the attorney general ſhall be allowed the following fees, to be included in the bill of coſts, viz. In each proſecution in either of ſaid courts, where the grand jury ſhall return a true bill, three dollars, and where the grand jury ſhall return not a true bill, one dollar and fifty cents, and in every caſe removed from any county court into either of ſaid ſuperior courts, three dollars, any thing in any act or acts to the contrary notwithſtanding.

Sec. 5. *Be it enacted,* That an act, entitled, "An act aſcertaining the number of attornies general to be appointed in the ſtate of Tenneſſee, for fixing their ſalaries and directing their duties in office," paſſed at a ſeſſion of the general aſſembly began and held at Knoxville, on Monday the twenty eighth day of March, one thouſand ſeven hundred and ninety ſix, be and the ſame is hereby repealed

---

CHAP. XXXIV.

AN ACT *to amend an act reſpecting ſtrays* —(PASSED NOV. 15, 1801.)

Section 1. *BE it enacted by the General Aſſembly of the State of Tenneſſee,* That every appraiſer ſo appointed, agreeably to the above recited act, ſhall return the certificate of ſuch appraiſment to the taker up of ſuch ſtray or ſtrays, who ſhall be, and is hereby bound to return the ſame to the ranger of the county within fifteen days after ſuch appraiſment made, under the penalty of the appraiſed value of ſuch ſtray or eſtrays ſo taken up, to be recovered before any juriſdiction having cognizance thereof, one half to the uſe of the county and the other half to him or them that will ſue for the ſame.

Sec. 2. *Be it enacted,* That every perſon taking up any ſtray or eſtrays, ſhall not directly or indirectly remove any ſuch ſtray or eſtrays out of the county where the ſame was ſo taken up, or ſell or diſpoſe of the ſame, in any manner whatſoever, within twelve months, under the penalty of double the amount of the appraiſed value of ſuch ſtray or eſtrays, to be recovered before any juriſdiction having cognizance thereof, one half to the uſe of the county, the other half to him or them that will ſue for the ſame.

Sec 3 *Be it enacted,* That if any perſon taking up any ſtray or eſtrays, ſhall be about to remove him or herſelf out of the county, before him or her have ſettled with the county truſtee, to the full amount of two thirds of the appraiſed value of ſuch ſtray or eſtrays, that then and in that caſe, the truſtee of ſuch county, on his own knowledge or otherwiſe, is hereby required to ſue ſuch perſon by warrant, and cauſe him or her to appear before ſome juſtice of the peace, to give bond with ſufficient ſecurity, payable to ſuch truſtee for the uſe of ſaid county, or owner, to the full amount of two thirds of the appraiſed value of ſuch ſtray or eſtrays, by him or her ſo taken up; and in caſe of failure thereof, ſuch perſon ſhall forfeit double the appraiſed value of ſuch ſtray or eſtrays, to be recovered by the ſaid truſtee on an action of debt.

CHAP. XXXV.

AN ACT *to prevent the diſturbance of public worſhip.* PASSED NOV. 14, 1801.

BE it enacted by the General Aſſembly of the State of Tenneſſee, That if any perſon ſhall interrupt a congregation aſſembled for the purpoſe of worſhiping the Deity, ſuch perſon ſhall be dealt with as a rioter at common law.

CHAP. XXXVI.

AN ACT *to ſuſpend the ſecond ſection of an act, entitled,* "An act reſpecting dollars and cents, and contracts, and the manner of keeping accounts, ſo far as reſpects the currency in which contracts ſhall be made and accounts kept.—(PASSED NOVEMBER 10, 1801)

BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the ſecond ſection of the above recited act, is ſuſpend until the next ſtated general aſſembly.

CHAP. XXXVII.

AN ACT *to extend the juriſdiction and to aſcertain the bounds of the counties herein mentioned.*—(PASSED NOVEMBER 14 1801)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the bounds of Jackſon county ſhall be as follows; (viz.) Beginning at the north eaſt corner of ſaid county, on the ſtate line, thence eaſt with ſaid line to the north weſt corner of Anderſon county, thence along the weſtern boundary of the counties of Anderſon and Roane, to the ſouthern boundary of the ſtate, thence weſtward with ſaid line to a point, from which a due north line will ſtrike the ſouth eaſt corner of ſaid county; and that the counties of Smith, Wilſon, Davidſon, Williamſon, and Robertſon, ſhall be extended from their ſouth weſt and ſouth eaſt corners, due ſouth to the ſouthern boundary of the ſtate, and that the county of Montgomery ſhall be extended from the north weſt corner, thence down the river Miſſiſſippi to the ſouth weſt angle of this ſtate, thence eaſt with the ſouthern boundary lines of the ſame, to the ſouth weſt corner of Robertſon county, thence north, with the weſtern boundary line of Robertſon county aforeſaid to the northern boundary line of this ſtate, thence weſt to the beginning.

Sec. 2 *Be it enacted,* That nothing in this act contained, ſhall be ſo conſtrued as to authoriſe any perſon whatever, to violate the laws of the United States, as it relates to ſuch parts of the ſaid counties lying within the Indian boundary: *Provided nevertheleſs,* that nothing herein contained ſhall be ſo conſtrued as to authoriſe the ſheriff of either of the aforeſaid counties, to levy executions or ſell any real property lying within the Indian boundary, until the ſame is extinguiſhed, any law to the contrary notwithſtanding.

CHAP XXXVIII.

AN ACT *to repeal ſo much of an act entitled,* "An act to ſuppreſs exceſſive gaming" as reſpects the fines on billiard tables and horſe racing. (PASSED NOVEMBER 14 1801.)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That from and after the paſſing of this act, that no money or any kind of property whatever, won by any ſpecies or mode of gaming ſhall be recoverable by law.

Sec. 2. Be *it enacted,* That the law impoſing fines by the before recited act, ſo far as reſpects billiard tables and horſe racing, be and the ſame is hereby repealed, any law to the contrary notwithſtanding.

CHAP. XXXIX.

AN ACT to appoint agents to ſettle the diſpute exiſting between this ſtate and the United States relative to the vacant and unappropriated lands within this ſtate, and to procure the relinquiſhment of the claim of the United States to the ſame —(PASSED NOVEMBER 14, 1801.)

WHEREAS it appears by communications made to this general aſſembly, by the ſenators of this ſtate in the congreſs of the United

States, that the United States claim a right to diſpoſe of the vacant and unappropriated ſoil within the limits of this ſtate, in order that a determination may be made, whether the United States or the ſtate of Tenneſſee have the right to diſpoſe of the ſaid lands,

BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the ſenators and repreſentative of this ſtate, and their ſucceſſors, or a majority of them, are hereby veſted with full power and authority, as agents on the part of this ſtate, to claim the abſolute right of diſpoſing of the vacant and unappropriated ſoil within the ſame, and to have the claim of the United States and the claim of this ſtate examined and determined: And in order to prevent all future diſpute, the ſaid ſenators and repreſentative or their ſucceſſors, or a majority of them are hereby authoriſed to procure from the United States a relinquiſhment of their claim to the ſaid land, in ſuch manner and upon ſuch terms as to the ſaid agents hereby appointed, may ſeem proper.

CHAP. XL.

AN ACT *to amend an act, entitled,* " An act to amend the law now in force in this ſtate for ſelling lands under execution —(PASSED NOVEMBER 14, 1801.)

BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That all lands to be hereafter ſold by any ſheriff which are directed to be advertiſed in a public gazette, ſhall be advertiſed in the gazette of the diſtrict where the land lies, if there be one, if not, then in the gazette neareſt to where the land lies, any law uſage or cuſtom to the contrary notwithſtanding.

CHAP XLI.

AN ACT to repeal ſo much of the third ſection of an act, preſcribing what ſhall be the legal probate of deeds and conveyances of lands and mortgages, where ſuch probate ſhall be made without the limits of this ſtate, and within the limits of the United States, and for other purpoſes as herein after mentioned.—(PASSED NOV. 13, 1801.)

BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the following words of the above recited ſection, " *Provided,* he, ſhe or they do pay a reaſonable rent for for ſaid improvement, to be deducted out of the ſame," which words are hereby repealed and made void, any law to the contrary notwithſtanding.

CHAP. XLII.

AN ACT *to ſuſpend the operation of a law mentioned therein.*
(PASSED NOVEMBER 13, 1801.)

BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the operation of an act for eſtabliſhing offices for receiving entries of claims for all vacant lands within the ſeveral counties within this ſtate, and aſcertaining the method of obtaining titles to the ſame, paſſed at Knoxville the fifth day of January, 1799, is hereby ſuſpended until the end of the next ſtated ſeſſion of the general aſſembly.

CHAP. XLIII.

AN ACT to provide for an election to elect a repreſentative or repreſentatives to repreſent this ſtate in the Congreſs of the United States, and to ſupply vacancies that may hereafter take place.—(PASSED SEPTEMBER 26 1801.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That an election ſhall be held at the court houſe of each county reſpectively, or at any other place which is or may be provided for by law for holding elections within this ſtate, on the laſt Thurſday of October next, and the ſucceeding day, to elect a repreſentative or repreſentatives (as the caſe may be) to repreſent this ſtate in the Congreſs of the United States, which election ſhall be conducted under the ſame rules, regulations and reſtrictions, and by the ſame officers as elections for members of the general aſſembly.

Sec. 2. *Be it enacted*, That the perſon or perſons elected, ſhall have been a citizen or reſident of this ſtate three years immediately preceding the day of election.

Sec. 3 *Be it enacted*, That immediately after the cloſe of the election in each county, the ſheriff or returning officer, ſhall, in the preſence of the inſpectors of the election, make out two correct ſtatements of the number of votes given to each candidate in his county, which two ſtatements ſhall be certified by ſaid ſheriff or other returning officer, and a majority of the inſpectors; one of the ſaid ſtatements, ſhall, by the inſpectors be filed in the office of the clerk of the county, & the ſheriff or other returing officer, by himſelf or deputy, ſhall attend with the other on the day, and at the place herein after mentioned, namely: The returning officers for the ſeveral counties in the diſtrict of Waſhington, by themſelves or deputies, ſhall meet at Joneſboro', on the fourth day after the cloſe of the election; and in the preſence of three juſtices of the peace, to be ſummoned for that purpoſe, proceed to examine and compare the ſeveral certified ſtatements aforeſaid, and ſhall make out and certify under their hands and ſeals, a general ſtatement of the number of votes given for each of the candidates in the ſaid diſtrict, which ſtatement ſhall alſo be certified by the juſtices attending as aforeſaid; and in like manner the returning officers for the ſeveral counties in the diſtrict of Hamilton, ſhall meet at Knoxville, on the aforeſaid fourth day after the cloſe of the election, and proceed to make out a general ſtatement of the votes given to each of the candidates in the ſeveral counties in the diſtrict of Hamilton, in the ſame manner as before directed for the returning officers of the diſtrict of Waſhington; and in the ſame manner the returning officers for the ſeveral counties in the diſtrict of Mero, ſhall meet at Naſhville on the ſaid fourth day after the cloſe of the election, and ſhall proceed to make out a general ſtatement of the votes given for each candidate, in the ſeveral counties in the laſt mentioned diſtrict, agreeably to the manner and form directed for the diſtrict of Waſhington; which general ſtatements ſhall be produced at Knoxville, upon the fifteenth day after the election, by one of the returning officers from each of the diſtricts aforeſaid.

Sec. 4. *Be it enacted*, That in order to aſcertain which of the ſaid officers ſhall attend, they are hereby directed to determine the ſame by lot or otherwiſe; and on the meeting of the ſaid officers at the ſeat of government, they ſhall, in the preſence of three juſtices of the peace, or any one of the judges of the ſuperior court of law for this ſtate, proceed to examine and compare all the votes given by the electors in the ſeveral counties in this ſtate; and the ſaid returning officers and a majority of the acting juſtices or judge, as the caſe may be, ſhall certify under their hands and ſeals, to the governor for the time being which of the candidates ſhall have the greateſt number of votes; and on the reception of ſuch certificate, it ſhall be the duty of the governor to commiſſion him accordingly. But if two or more candidates ſhall have an equal number of votes, the returning officers from the ſeveral diſtricts ſhall determine by lot, which of them ſhall be duly elected.

Sec. 5. *Be it enacted,* That if any ſheriff or other returning officer ſhall fail to attend and return a ſtatement as aforeſaid, or fail to comply with all the requiſitions of this act, ſo far as relates to his or their duty, he or they ſo failing ſhall forfeit and pay the ſum of five hundred dollars, one half to the uſe of the ſtate, the other half to any perſon who will ſue for the ſame, to be recovered by action of debt, before any juriſdiction having cognizance thereof, unleſs ſufficient cauſe be ſhewn for ſuch failure or non attendance.

Sec. 6. *Be it enacted,* That each of the ſheriffs or other returning officers attending as by this act required, ſhall be allowed the ſum of one dollar and ſeventy five cents for every thirty miles they ſhall travel in going to and returning from the place by this act directed for comparing the votes, as well for their attendance in the ſeveral diſtricts, as at the ſeat of government, and the ſame for each day they ſhall neceſſarily attend in diſcharging the duties enjoined on them by virtue of this act; and a certificate thereof ſigned by the juſtices or judge, (as the caſe may be) before whom the votes may have been compared, ſhall be given to each ſheriff or other returning officer reſpectively, ſetting forth the number of days and diſtance travelled, which certificate ſhall be diſcharged by either of the public treaſurers of this ſtate.

Sec 7 *Be it enacted,* That where a vacancy may happen by death, reſignation or otherwiſe, the governor for the time being, ſhall have power, and he is hereby authoriſed and required, to iſſue writs of election to fill up ſuch vacancy; and all elections in future for filling vacancies, ſhall be conducted under the ſame rules, regulations, and reſtrictions as herein are expreſſed. And further it is to be underſtood, that this act is not intended to militate, or in any reſpect to alter or aboliſh an act, entitled, "An act directing the mode of electing repreſentatives to repreſent this ſtate in the Congreſs of the United States," paſſed at Knoxville, in the year 1797.

CHAP. XLIV.

AN ACT *making proviſion for the election of repreſentatives to repreſent this ſtate in the in the Congreſs of the United States*—(PASSED OCTOBER 29, 1801.)

WHEREAS it appears evident that an encreaſe in the repreſentation of this ſtate in the federal legiſlature will take place previous to the the next ſtated ſeſſion of the general aſſembly of this ſtate: Therefore to avoid the expence attending a called ſeſſion and to afford to the citizens an opportunity of availing themſelves of advantages attending the aforeſaid encreaſed repreſentation,

Sec 1. *BE it enacted by the General Aſſembly of the State of Tenneſſee,* That the ſaid ſtate ſhall be conſidered as compoſing one diſtrict, and a general ticket ſhall run throughout the ſame for ſuch number of repreſentatives as may be appointed to the ſtate of Tenneſſee by the Congreſs of United States.

Sec. 2. *Be it enacted,* That all elections in future for repreſentatives as aforeſaid, ſhall be held at the time and place, and conducted under the ſame rules and regulations as heretofore practiſed by virtue of an act, entitled, "an act directing the mode of electing repreſentatives to repreſent this ſtate in the Congreſs of the United States," paſſed at Knoxville, September the 27th, 1797.

Sec. 3. *Be it enacted*, That this act ſhall have force and effect from and after the paſſing thereof, and until the end of the next ſtated ſeſſion of the general aſſembly, and no longer.

CHAP. XLV.

AN ACT to reduce Knox county to its conſtitutional limits, and to form two new and diſtinct counties, by taking part of Grainger county.—(PASSED NOVEMBER 6, 1801)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That from and after the paſſing of this act, Knox county ſhall be bounded by the following lines, (viz.) Beginning on the ſouth bank of Holſton, at the mouth of Little river, and running with the lines as deſcribed by an act, entitled, "an act deſcribing and extending the bounds of Knox county," paſſed at Knoxville, January the fifth, 1799, to the upper end of the firſt bluff above Boyles's old place; thence along the lines as preſcribed by "An act to annex part of Grainger county to the county of Knox," thence along the former line of Knox county to a ridge between Clinch mountain and Clinch river, known by the name of the Cheſnut ridge, thence along ſaid ridge to the lower line of Henderſon and company's ſurvey; thence along ſaid line to the top of the Copper ridge, thence along the extreme height of ſaid ridge oppoſite the firſt bluff below the mouth of Bull Run, thence to the north bank of Clinch river oppoſite ſaid bluff, thence along the ſaid north bank to a point, from which ſouth forty five degrees eaſt, will ſtrike the ſouth bank of Holſton river, ſo as to leave Knox a conſtitutional county, thence up the ſeveral meanders of ſaid river on the ſouth ſide to the beginning.

Sec. 2. *Be it enacted*, That all that tract of country lying within the following deſcribed bounds, ſhall be, and is hereby made and conſtituted a new and diſtinct county by the name of Anderſon, (viz.) Beginning on the Cheſnut ridge where the Knox and Grainger line croſſes it, thence north forty five degrees weſt, to the northern boundary of this ſtate, thence ſouth forty five degrees weſt, to a point from whence ſouth, forty five degrees eaſt, will ſtrike Wallen's ridge one quarter of a mile above the the gap of the Indian fork of Poplar creek, thence to the double ſprings on the eaſt fork of ſaid creek, thence a direct courſe to Clinch river, oppoſite the mouth of Hickory creek, thence up the lines of Knox county to the beginning.

Sec. 3. *Be it enacted*, That all that tract of country lying within the following deſcribed bounds, ſhall be, and is hereby made and conſtituted a new and diſtinct county by the name of Roane, viz. Beginning at the corner of Knox county on the ſouth bank of Holſton river, running along ſaid line to Clinch river on the north bank; thence up or down ſaid north bank, as the caſe may be, to the corner of Anderſon county, thence along ſaid line, north forty five degrees weſt, to the north weſt corner thereof, thence ſouth, forty five degrees weſt, to the ſouthern boundary of this ſtate, thence eaſt, along ſaid ſouthern boundary to the river Tenneſſee, on the ſouth ſide, thence up the ſeveral meanders of ſaid river on the ſouth ſide, to a point oppoſite the ſouth bank of Holſton river, thence to the ſaid ſouth bank, thence up the ſeveral meanders on the ſouth ſide to the beginning.

Sec. 4. *Be it enacted*, That Knox county ſhall not extend further down than to a direct line from the Salt Petre cave, below the Chota ford on Holſton, to the mouth of Hickory creek, on Clinch river, until the conſtitutional limits of Knox county ſhall be aſcertained by actual ſurvey, which ſhall be done by diſintereſted commiſſioners appointed by the county court of Knox: *Provided alſo*, That if on accurate ſurvey, it ſhall be found, that there are not conſtitutional bounds for Knox county above the line deſcribed in this ſection, that then and in that caſe, the deficiency ſhall be made up by taking one half thereof from the county of Anderſon, on the ſouth ſide, between the Grainger line and the lower line of Henderſon and Company's ſurvey; the other half thereof from Roane county, between the rivers Clinch and Holſton, which lines when run, ſhall be the bounds of Knox county, any thing in this act to the contrary notwithſtanding.

Sec 5. *Be it enacted*, That William Lea, Kinza Johnſton, William Standefer, William Robertſon, Joſeph Grayſon, Solomon Maſſingale, and Hugh Montgomery, are hereby appointed commiſſioners, who, or a majority of them, ſhall, as ſoon as may be, fix on a place the moſt convenient, as near the river Clinch, on the north ſide as the nature of the caſe will admit, between the Iſland Ford and where Samuel Worthington now lives, for a court houſe, priſon and ſtocks, for the uſe of ſaid county of Anderſon: And after agreeing on the place, they ſhall proceed to purchaſe any quantity of land, not exceeding fifty acres, for which they ſhall cauſe a deed or deeds to be made to themſelves or their ſucceſſors in office, on which they ſhall cauſe a town to be laid off with neceſſary ſtreets and allies, reſerving two acres as near the centre as may be, on which the court houſe, priſon and ſtocks ſhall be erected, which town ſhall be known by the name of Burrville.

Sec. 6. *Be it enacted*, That when the town ſhall thus be laid off, the aforeſaid commiſſioners are further required to advertiſe for ſale, to the higheſt bidder, at a credit of ſix months, the lots of ſaid town, giving thirty days previous notice, and ſhall take bonds with ſufficient ſecurities, to themſelves or ſucceſſors in office, and ſhall make titles to the purchaſers.

Sec. 7. *Be it enacted*, That it ſhall be the further duty of the aforeſaid commiſſioners, to contract with ſuitable workmen, to build a court houſe, priſon and ſtocks, and the monies ariſing from the ſale of ſaid lots, after paying for the land ſo purchaſed, ſhall be applied to pay for ſaid court houſe, priſon and ſtocks.

Sec. 8. *Be it enacted*, That ſhould the money ariſing from the ſale of ſaid lots prove inſufficient to pay for ſuch public buildings, then, and in that caſe, a majority of the acting juſtices of ſaid county of Anderſon, ſhall, in term time, have power, and are hereby authoriſed and required to lay an additional county tax, not exceeding twelve and an half cents on each hundred acres of land liable to taxation; twelve and an half cents on each white poll, twenty five cents on each black poll, fifty cents on each ſtud horſe kept for covering mares, and twenty five cents on each town lot; the ſaid tax to be laid from year to year until a ſufficient ſum ſhall be collected to pay for ſaid public buildings, and ſhall be collected by the collector of the public taxes, on the ſame per cent. as other county taxes, and ſhall pay the ſame to the aforeſaid commiſſioners, and be by them applied to the payment of ſaid public buildings, whoſe receipts ſhall be allowed in the ſettlement of his accounts.

Sec. 9. *Be it enacted*, That before the ſaid commiſſioners enter on the duties of their appointment, they ſhall enter into bond with ſufficient ſecurity, payable to the governor for the time being, in the ſum of five thouſand dollars, for the faithful diſcharge of their duty as herein expreſſed, which bond ſhall be lodged in the office of the clerk of the ſaid county of Anderſon.

Sec. 10. *Be it enacted,* That ſo ſoon as the public buildings ſhall be completed, the aforeſaid commiſſioners ſhall lay before the court of Anderſon county a juſt and fair ſtatement of all monies by them received, as well thoſe by them expended, with ſufficient vouchers for the ſame, by virtue of their appointment, and the court ſhall make them a reaſonable allowance for their ſervices: Provided there ſhall be five juſtices preſent when ſuch allowance is made.

Sec. 11. *Be it enacted,* That for the due adminiſtration of juſtice, that the court of pleas and quarter ſeſſions, ſhall be held in and for the county of Anderſon, on the ſecond Mondays of March, June, September and December, and the juſtices for ſaid county ſhall hold the firſt court at the houſe where Joſeph Denham, ſenior, now lives, on the ſecond Monday of December next, and all ſubſequent courts for ſaid county, on the days above mentioned for holding courts therein, at the ſame place; until a court houſe be built in and for ſaid county, and then all cauſes, matters and things depending in ſaid court, and all manner of proceſs returnable to the ſame, ſhall be adjourned to ſuch court houſe, and all courts held in and for ſaid county, ſhall be held by commiſſion to ſaid juſtices, in the ſame manner and under the ſame rules and reſtrictions, and ſhall have and exerciſe the ſame powers and juriſdictions as are or ſhall be preſcribed by and for the courts of the ſeveral counties in this ſtate.

Sec. 12. *Be it enacted,* That the ſaid county of Anderſon be, and the ſame is hereby declared a part of Hamilton diſtrict, in the ſame manner and for all purpoſes, civil, criminal and military, in as full and ample manner as any county in this ſtate, and ſhall ſend three jurors to the ſuperior court of ſaid diſtrict.

Sec. 13. *Be it enacted,* That nothing herein contained, ſhall be ſo conſtrued as to prevent the collector of public taxes of Knox and Grainger counties, to collect the tax for the year 1801, and all arrearages of taxes.

Sec. 14. *Be it enacted,* That William Hogſhead is hereby appointed commiſſioner on the part of Anderſon county, to act with a commiſſioner appointed by the county of Claiborne, to run the line between the aforeſaid counties, from Clinch river to the Indian boundary, and ſhall have for his ſervices the ſum of two dollars for each day he may be neceſſarily employed in running ſaid line, to be paid by the treaſurer of Anderſon county, out of the county monies, whoſe receipt ſhall be good in the ſettlement of his accounts.

Sec. 15. *Be it enacted,* That Jeſſe Royſden is hereby appointed a commiſſioner on the part of the county of Anderſon, to act with a commiſſioner appointed in the county of Roane, to run the line between the aforeſaid counties, from the double ſprings on the eaſt fork of Poplar creek to the Indian boundary, and from the aforeſaid double ſprings to Clinch river, and ſhall receive the ſum of two dollars for each day he may be neceſſarily employed in running ſaid line, and ſhall employ a marker who ſhall be entitled to receive one dollar per day, to be paid by the treaſurer of Anderſon county, out of the county monies, and their receipts ſhall be good in the ſettlement of his accounts.

Sec. 16. *Be it enacted,* That Hugh Nelſon, John Smith, T. Alexander

Carmichael, William Barnett, Paul Harlſon, Zacheus Aics or a majority of them are hereby appointed commiſſioners to agree with a ſuitable workman to build a court houſe, priſon and ſtocks, in the town of Kingſton, on the lot reſerved for that purpoſe for the uſe of ſaid county of Roane.

Sec 17. *Be it enacted*, That for the due adminiſtration of juſtice, the court of pleas and quarter ſeſſions ſhall be held for the ſaid county of Roane, on the third Mondays of March, June, September and December, and the juſtices for ſaid county ſhall hold the firſt court at the houſe of Alexander Carmichael in Kingſton, on the third Monday of December next, and all ſubſequent courts for ſaid county on the days above mentioned for holding courts therein, at the ſame place until a court houſe ſhall be built in and for ſaid county, and then all cauſes, matters and things depending in ſaid court, and all manner of proceſs returnable to the ſame, ſhall be adjourned to ſuch court houſe, and all courts held in and for ſaid county, ſhall be held by commiſſion to ſaid juſtices, in the ſame manner and under the ſame rules and reſtrictions, and ſhall have and exerciſe the ſame powers and juriſdiction, as are or ſhall be preſcribed by law, for the courts of the ſeveral counties in this ſtate.

Sec. 18. *Be it enacted*, That the ſaid county of Roane, be, and is hereby declared a part of Hamilton diſtrict, in the ſame manner and for all the purpoſes, civil, criminal and military, in as full and ample manner as any county in this ſtate, and ſhall ſend two jurors to the ſuperior court of Hamilton diſtrict.

Sec. 19. *Be it enacted*, That a majority of the acting juſtices of the county of Roane, when in ſeſſion, ſhall have power, and are hereby authoriſed and required, to lay an additional county tax, not exceeding twelve and an half cents on each hundred acres of land liable to taxation, twelve and an half cents on each white poll, twenty five cents on each black poll, fifty cents on each ſtud horſe kept for covering mares, twenty five cents on each town lot, and ten dollars on each billiard table, the ſaid tax to be laid from year to year, until a ſufficient ſum ſhall be collected to pay for ſaid public buildings, and ſhall be collected by the collector of public taxes, on the ſame per centum as other county taxes, and ſhall pay the ſame to the aforeſaid commiſſioners, whoſe receipt ſhall be allowed in the ſettlement of his accounts, and be by them applied to the payment of ſaid public buildings.

Sec. 20. *Be it enacted*, That before the ſaid commiſſioners enter on the duties of their appointment, they ſhall enter into bond with ſufficient ſecurity, payable to the governor for the time being, in the ſum of three thouſand dollars, for the faithful diſcharge of their duty as herein expreſſed, which bond ſhall be lodged in the office of the clerk of ſaid county of Roane.

Sec. 21. *Be it enacted*, That ſo ſoon as the public buildings ſhall be completed, the aforeſaid commiſſioners ſhall lay before the court of Roane county, a juſt and fair ſtatement of all monies by them received, as well as thoſe by them expended with ſufficient vouchers for the ſame, by virtue of their appointment, and the court ſhall make them a reaſonable allowance for their ſervices: Provided, there ſhall be five acting juſtices preſent when ſuch allowance is made.

Sec. 22. *Be it enacted*, That Joſeph Taylor is hereby appointed a commiſſioner on the part of the county of Roane, to act with the commiſſioner appointed on the part of Anderſon county, to run the line between the counties of Anderſon and Roane, from the double ſprings on the eaſt fork of Poplar creek, to the Indian boundary, and from the aforeſaid double ſprings, to Clinch river; and ſhall have the ſum of two dollars for each day he may be neceſſarily employed in running ſaid line, to be paid by the treaſurer of Roane county, out of the county monies, whoſe receipt ſhall be good in the ſettlement of his accounts.

Sec. 23 *Be it enacted*, That John M'Clellan and Joſeph Taylor are hereby appointed commiſſioners to run and mark the line between the counties of Knox and Roane, from the ſalt petre cave on Holſton to the mouth of Hickory creek on Clinch river. for which they ſhall have the ſum of two dollars and fifty cents for each day they may be neceſſarily employed in running ſaid line, and the treaſurer of Knox county is hereby required to pay John M'Clellan for his ſervices in running ſaid line, whoſe receipt ſhall be good in the ſettlement of his accounts; and and alſo the treaſurer of Roane county, ſhall pay Joſeph Taylor for his ſervices in running ſaid line, whoſe receipt ſhall be good in the ſettlement of his accounts.

Sec. 24. *Be it enacted*, That nothing herein contained ſhall be ſo conſtrued, as to prevent the collector of Knox county from collecting the tax for the year 1801, and all arrearages.

Sec. 25. *Be it enacted*, That the election for governor, repreſentative or repreſentatives to congreſs, and members of the general aſſembly, ſhall be held at the court houſes of the counties of Anderſon and Roane by the ſheriffs or their deputies, under the ſame rules and regulations as are preſcribed by law, and on the days which elections for ſuch purpoſes are authoriſed to be held, and thoſe citizens of Anderſon and Roane counties, formerly citizens of Knox county, ſhall be entitled to vote in their reſpective counties

Sec. 26 *Be it enacted*, That it ſhall be the duty of the returning officers of the counties of Anderſon and Roane, to meet the returning officer of Knox county, in Knoxville, on the ſucceeding Monday, with the number of their reſpective polls. and with him compare the ſame; and the returning officer of Knox county, ſhall declare thoſe duly elected members of the general aſſembly, and give certificates accordingly; and it ſhall be the duty of ſaid ſheriff to tranſmit a juſt ſtatement of the poll of election, for governor, repreſentative or repreſentatives to congreſs, to the ſpeaker of the ſenate in the ſame manner as by law directed.

Sec. 27. *Be it enacted*, That the citizens of Anderſon county, formerly part of Grainger, ſhall have the right of ſuffrage with the citizens of Claiborne county, in all elections for governor, repreſentative or repreſentatives to congreſs, and members of the general aſſembly, until the next cenſus ſhall be taken.

Sec. 28. *Be it enacted*, That James White and John Menefee, eſquires, or either of them, are hereby authoriſed and required to attend at the firſt court to be held for the county of Anderſon, for the purpoſe of qualifying the members of ſaid court.

Sec. 29. *Be it enacted*, That John M Clellan and Joſeph Harden, eſquires, or either of them are hereby authoriſed and required to attend at the firſt court to be held for the county of Roane, for the purpoſe of qualifying the members of ſaid court.

Sec. 30. *Be it enacted*, That this act ſhall be in force in the county of Anderſon, from and after the thirteenth day of December next, and in the the county of Roane from and after the twentieth day of the ſame month.

CHAP. XLVI.

AN ACT erecting part of the counties of Hawkins and Grainger into a ſeparate and diſtinct county.—(PASSED OCT. 29 1801.)

Section 1. B*E it enacted by the General Aſſembly of the State of Tenneſſee*, That Hawkins and Grainger counties be divided by the following lines, (to wit.) Beginning on the north bank of Clinch river where the Hawkins and Grainger line croſſes the ſame, thence down the north bank of ſaid river Clinch, to a point oppoſite where the Knox and Grainger line ſtrikes the ſaid river, thence north, forty five degrees weſt, to the line which divides this ſtate from the ſtate of Kentucky, thence eaſt with ſaid line, to where it interſects with the line which divides this ſtate from the ſtate of Virginia, thence due eaſt with ſaid line, to a point from which a direct line to the beginning will leave 625 ſuqare miles in the county of Hawkins, and all that part of the aforeſaid counties of Hawkins and Grainger contained within the lines before deſcribed, ſhall be a ſeparate and diſtinct county by the name of Claiborne.

Sec. 2. *Be it enacted*, That George Reel, John Vanbebber, Matthew Sims, Abel Langham, Joſeph Webſter, John Bullard and Silas Williams, be and they are appointed commiſſioners, who, or a majority of them, are hereby authoriſed to fix on a place the moſt central and convenient in ſaid county of Claiborne, for the purpoſe of erecting a court houſe, priſon and ſtocks, at which place the ſaid commiſſioners are authoriſed and required to purchaſe land and lay off a town to conſiſt of forty lots, with proper ſtreets and allies, which town ſhall be known by the name of Tazewell.

Sec. 3. B*e it enacted*, That ſaid commiſſioners are authoriſed and required, as ſoon as may be, after agreeing on the place whereon the court houſe, priſon and ſtocks are to be erected, and they have purchaſed land and laid off a town as aforeſaid, to contract with ſuitable workmen for the purpoſe of erecting and building a court houſe, priſon and ſtocks, at the place aforeſaid, for the benefit of ſaid county; and the better to enable the commiſſioners aforeſaid, to carry this act into effect:

Sec. 4. *Be it enacted*, That they are authoriſed and empowered to ſell the ſaid lots at public ſale, giving ſuch credit as they in their wiſdom may deem neceſſary. And for the ſecuring the monies ariſing from the ſale of the ſaid lots:

Sec. 5. B*e it enacted*, That the ſaid commiſſioners are hereby authoriſed and empowered to take obligations with ſufficient ſecurity from the reſpective purchaſers thereof, payable to themſelves as commiſſioners, which ſaid monies, the ſaid commiſſioners are to collect and apply to the uſe of paying for the land whereon the ſaid town ſhall have been laid off, and defraying the expences of erecting a court houſe, priſon and ſtocks aforeſaid, and in caſe the monies ariſing from the ſale of the ſaid lots, ſhould not be ſufficient to pay for the ſaid land, and defray the expences as aforeſaid:

Sec. 6. B*e it enacted*, That the court of Claiborne county are hereby authoriſed and empowered to lay a tax, not exceeding twelve and an half cents, on each white poll, twenty five cents on each black poll, twelve and a half cents on hundred acres of land, twenty five cents on each town lot, and one dollar on each ſtud horſe kept for covering mares, which tax ſhall not be laid for more than three years, and ſhall be collected, accounted for, and paid into the hands of the ſaid commiſſioners, under the ſame rules and reſtrictions as are obſerved in collecting, accounting for and paying public taxes.

Sec. 7. *Be it enacted*, That ſaid commiſſioners before entering on the duties of their appointment, ſhall enter into bond, in the ſum of fifteen hundred dollars, payable to the chairman of the court of Claiborne county, and his ſucceſſors in office, for the uſe of ſaid county of Claiborne, conditioned for the faithful diſcharge of the truſt repoſed in them, and ſhall take and ſubſcribe the following oath: *I*, A. B do ſwear (or affirm as the caſe may be) that I will, as a commiſſioner to act for the county of Claiborne, do equal and impartial juſtice to the citizens of ſaid county to the beſt of my ſkill and judgment, *So help me God*; which bond, together with a copy of the ſaid oath ſhall be filed in the clerk's office for ſaid county of Claiborne.

Sec 8. *Be it enacted*, That the firſt court of Claiborne county, ſhall be held by the juſtices of the ſaid county, on the firſt Mondays in March, June, September, and December, in every year, and the juſtices thereof are hereby authorized and empowered to hold the firſt court for the ſame at the dwelling houſe of John Owens, on the firſt Monday in December next; and all ſubſequent courts for ſaid county on the days above mentioned, for holding courts therein, at any place to which the ſaid juſtices from court to court may adjourn themſelves, until the court houſe ſhall be built for the ſaid county of Claiborne, then all matters and things pending in ſaid court, and all manner of proceſs returnable to the ſame, ſhall be adjourned to ſaid court houſe, and all courts held in and for ſaid county of Claiborne ſhall be held by commiſſion to the ſaid juſtices in the ſame manner and under the ſame rules and reſtrictions, and ſhall have and exerciſe the ſame powers and juriſdiction, as are or ſhall be preſcribed for the courts in the ſeveral counties in this ſtate.

Sec. 9. *Be it enacted*, That the aforeſaid county of Claiborne, be, and the ſame is hereby declared to compoſe a part of the diſtrict of Hamilton in the ſame manner, and for all purpoſes civil or military, as other counties in the ſaid diſtrict doth. *Provided*, nothing herein contained ſhall be ſo conſtrued as to prevent the ſheriffs or collectors of the ſaid counties of Hawkins and Grainger from collecting all arrearages of public and county tax within the limits of the ſaid county of Claiborne, in the ſame manner as if this act had not been paſſed.

Sec. 10. *Be it enacted*, That Walter Evans be, and he is hereby appointed commiſſioner on the part of the county of Claiborne, to act with one from the county of Anderſon, to run the line between the aforeſaid counties, from the river Clinch to the Indian boundary line, for which ſervices he ſhall be allowed the ſum of two dollars for each day he may neceſſarily be employed running ſaid line, which expence is to be paid by the county of Claiborne.

Sec. 11. *Be it enacted*, That all proceedings now pending in the county courts of Hawkins and Grainger, ſhall be proceeded on and determined in the ſame manner as if this act had not been paſſed.

Sec. 12. *Be it enacted*, That the ſaid county of Claiborne be a part of the diſtricts for electing governor, repreſentative or repreſentatives to congreſs, a ſenator & repreſentative to the general aſſembly to which it has heretofore belonged; and the election ſhall be held at the court houſe or the uſual place of holding courts in ſaid county, at the time and in the manner by law directed, and the ſheriff or returning officer ſhall make a return of the polls at the court houſe in Rutledge, on the ſucceeding day of the election, to the ſheriff or proper returning officer for Grainger county, which ſhall be received and conſidered to be a part of the election of the ſaid county of Grainger, any law to the contrary notwithſtanding.

Sec. 13. *Be it enacted,* That Clinch river and the path leading from the mouth of Greaſy Rock creek to the head of Mulberry creek, ſhall be the dividing line between the county of Hawkins and the county of Claiborne, until the true line ſhall be aſcertained.

Sec. 14. *Be it enacted;* That it ſhall be the duty of the ſheriff of Claiborne county to hold an election at the place of holding courts, on the laſt Friday and the day ſucceeding, in February next, for the purpoſe of electing one colonel and two majors for the regiment of ſaid county, which election ſhall be held under the ſame rules, regulations and reſtrictions, as preſcribed by law for holding elections for ſuch officers.

Sec. 15. *Be it enacted,* That the commiſſioners by this act appointed for fixing on the place for erecting a court houſe, priſon and ſtocks, ſhall, when they have performed the duties enjoined on them by this act, lay before the court of ſaid county of Claiborne, a regular ſtatement of all their proceedings, and the ſaid court are hereby required to allow them a reaſonable compenſation for their ſervices, to be paid out of any county monies not otherwiſe appropriated.

Sec. 16. *Be it enacted,* That Joſeph Cobb and Andrew Evans, eſqrs. or either of them, or any other juſtice of the peace of Grainger county, are hereby required to attend at the firſt court to be held for Claiborne county, for the purpoſe of qualifying the members of ſaid court.

Sec 17. *Be it enacted,* That this act ſhall be in force from and after the ſixth day of December next.

CHAP. XLVII.

An ACT *to annex part of Grainger county to the county of Knox.*

(PASSED OCT. 29, 1801.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That all that part of Grainger county herein deſcribed, ſhall be annexed to, and be a part of Knox county: Beginning at the firſt bluff above Boyles's old place, running up the ſeveral meanders of Holſton river, to the upper corner of a ſurvey of land claimed by William Cobb, next below James Vance, thence a direct line to the Richland road where the Knox and Grainger county line croſſes it.

Sec. 2 *Be it enacted,* That Nathan B. Markland is hereby appointed to run the aforeſaid line, and ſhall receive the ſum of three dollars for the ſame, to be paid by the county of Knox.

Sec. 3 Be *it enacted,* That nothing herein contained ſhall be ſo conſtrued as to prevent the ſheriff of Grainger county from collecting the taxes for the year of 1801, and all arrearages.

CHAP XLVIII.

An ACT *for annexing part of Wilſon county to Smith county and forming two diſtinct counties thereof* — (PASSED NOVEMBER 6, 1801.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the bounds of Smith county ſhall be as follows, viz.

Beginning one mile due weſt of the ſouth eaſt corner of Sumner county, on the ſouth bank of Cumberland river, thence ſouth, twenty three degrees eaſt, to the Indian boundary, thence along the ſame until it interſects the Caney Fork road, thence along the dividing ridge between Martin's creek and Flinn's creek to the river, thence up the river one half mile above the Ferry landing at Fort Blount, thence a due north courſe until it ſtrikes the ſtate line, thence weſt along the ſtate line, to the corner of Sumner county, thence ſouth along the Sumner line to the river, thence down the ſame to the beginning.

Sec. 2. *Be it enacted,* That a new county be eſtabliſhed by the name of Jackſon, to be contained within the following deſcribed bounds, viz. Beginning on the ſtate line, at the north eaſt corner of Smith county, thence eaſt along the ſtate line to where it interſects the Indian boundary, thence along the ſame to where it croſſes the Caney Fork road, thence along the eaſtern boundary of Smith county to the beginning.

Sec. 3. *Be it enacted,* That it ſhall and may be lawful for the ſheriff of Smith county to collect the taxes for the preſent year and all arrearages of taxes, for every and any preceding year, in the ſame manner, and with as full authority as if this act had not been paſſed; and Smith county ſhall be liable for the payment of every demand that any of the citizens of Jackſon county, heretofore a part of ſaid county, may legally have for ſervices rendered the ſaid county of Smith; and it is moreover underſtood that the ſheriff of Wilſon county, ſhall have the ſame power and authority as the ſheriff of Smith, for the collection of the taxes of that part of Wilſon county which is by this act annexed to Smith county.

Sec. 4. *Be it enacted,* That the courts of pleas and quarter ſeſſions of Jackſon county ſhall be held on the ſecond Mondays in December, March, June and September, at the houſe of John Bowen, on Roaring river, with the ſame power and authority as other courts of pleas and quarter ſeſſions heretofore eſtabliſhed by law.

Sec. 5. *Be it enacted,* That Charles Cavanaugh, eſquire, William Sullivan, ſenior, Andrew Greer, Thomas Smith, ſenior, and Thomas Draper, be, and are hereby appointed commiſſioners, who, or a majority of them, ſhall have full power and authority to procure by purchaſe or otherwiſe, forty acres of land, for the purpoſe of erecting a court houſe, priſon and ſtocks, as near the centre of the county as the ſituation will admit of, and to take a deed or deeds of conveyance for the ſame, in their own name as commiſſioners, in truſt for the county, which ſhall be good and valid in law, and ſhall veſt in them and their ſucceſſors in office, a complete title for the uſes in this act expreſſed; and the ſaid commiſſioners ſhall by a majority, have full power to elect any ſuitable perſon or perſons to fill any vacancies that may happen in their body, by death, reſignation or otherwiſe.

Sec. 6. *Be it enacted,* That the ſaid commiſſioners, or a majority of them, ſhall, as ſoon as may be, after purchaſing and obtaining a title to forty acres of land as aforeſaid, cauſe a town to be laid off thereon, to be called and known by the name of Smithfield, for county purpoſes, reſerving one and an half acres near the centre thereof, on which ſhall be erected the court houſe, priſon and ſtocks of the ſaid county, which one acre and an half in the plan of the ſaid town, ſhall be denominated the public ſquare.

Sec. 7. *Be it enacted,* That it ſhall be the duty of the commiſſioners to attend at the place of holding court in ſaid county, on the firſt Monday in December next, to deſignate a place where the court houſe, priſon and ſtocks ſhall be erected for ſaid county, and the commiſſioners ſhall, before they proceed upon the duties of their appointment, take the following oath, to wit, I, *A. B.* do ſolemnly ſwear, (or affirm, as the caſe may be) that as a commiſſioner for Smith county, I will do equal and impartial juſtice to the people, and endeavor to fix the public buildings as near as poſſible to the requiſions of this act *So help me God.*

Sec. 8. *Be it enacted,* That the ſaid commiſſioners be, and they are hereby authoriſed to ſell the lots of the ſaid town at public ſale, at a credit of ſix months, giving thirty days previous notice of ſuch ſale by advertiſement, at four or more of the moſt public places in the ſaid county, taking bond with ſufficient ſecurity for the payment of the purchaſe money, to themſelves and their ſucceſſors in office; and the ſaid commiſſioners or a majority of them, are hereby authoriſed to execute in due form of law deeds of conveyance in fee ſimple for the ſame to the purchaſers, which ſhall be good and valid in law to all intents & purpoſes.

Sec. 9. *Be it enacted,* That the money ariſing from the ſale of the aforeſaid lots, ſhall be by the ſaid commiſſioners applied to the building the court houſe, priſon and ſtocks, and they are authoriſed to contract with a ſuitable perſon or perſons to erect the ſame, the court houſe to contain convenient rooms for the juries, and the priſon to conſiſt of two rooms at leaſt.

Sec. 10. *Be it enacted,* That the ſaid commiſſioners ſhall keep a fair and regular account of all monies by them received and expended, which ſhall be laid before the court of ſaid county when demanded; and the ſaid court ſhall have full power and authority to levy a county tax for the purpoſe of defraying the expence of the public buildings. Provided, that the ſaid tax ſhall not exceed ſix and one fourth cents on every white poll between the age of twenty one and fifty years; a tax not exceeding twelve and an half cents on every black poll between the age of twelve and fifty years; a tax not exceeding one dollar on each ſtud horſe kept for the purpoſe of covering mares; and a tax not exceeding ſix and one fourth cents on each hundred acres of land in any one year; which ſhall be collected in the ſame manner, and by the ſame perſons as public taxes are, and monies ariſing from ſaid taxes, ſhall be paid by the collector thereof, firſt deducting the ſame per centum for collection as is by law allowed for the collection of public taxes, into the hands of the aforeſaid commiſſioners, or a majority of them, to be applied to the purpoſes aforeſaid.

Sec. 11. *Be it enacted,* That the ſaid commiſſioners ſhall give bond with ſufficient ſecurity, in the ſum of five thouſand dollars, payable to the chairman of the court of ſaid county and his ſucceſſors in office, conditioned for the faithful performance of the duties enjoined on them by this act.

Sec. 12. *Be it enacted,* That the ſaid commiſſioners, when the buildings are completed, ſhall lay before the court of ſaid county, a fair and juſt ſtatement of the coſts and expences of ſaid purchaſe and buildings, together with receipts, and ſhall be allowed a reaſonable compenſation for their ſervices by the ſaid court; *Provided,* five or a majority of the acting juſtices of ſaid court be preſent when ſuch allowance is made.

Sec. 13. *Be it enacted,* That elections for members of the general aſſembly, the governor and member or members of congreſs, ſhall be held at the court houſe of Jackſon county, on the days on which elections for ſuch purpoſes are authoriſed to be held, and the ſheriff of Jackſon county ſhall meet the ſheriff of Sumner county at the court houſe of ſaid county, on the ſucceeding Monday, and with him examine the reſpective polls of election, and declare the perſons duly elected members to the general aſſembly, and give certificates accordingly to the perſons duly elected, and it ſhall be the duty of the ſaid ſheriff to tranſmit a ſtatement of the poll of election for governor and member or members to congreſs, to the ſpeaker of the ſenate, in the ſame manner as directed by law, as the duty of ſheriffs of counties, heretofore eſtabliſhed.

Sec. 14. *Be it enacted,* That it ſhall be the duty of the ſheriff of the county of Jackſon, to hold an election at the place of holding court in the county of Jackſon, on the firſt Thurſday of March and the ſucceeding day, for the purpoſe of electing one colonel and two majors for the county of Jackſon, under the ſame rules, regulations and reſtrictions, as are preſcribed by law for the election of ſuch officers.

Sec 15. *Be it enacted,* That the elections for company officers for the county of Jackſon, ſhall be held at their reſpective muſter grounds on the laſt Saturday of May next, in the ſame manner and form as appointed law for electing company militia officers.

Sec. 16. *Be it enacted,* That the county of Jackſon ſhall be in all caſes whatſoever, conſidered as a part of the diſtrict of Mero.

Sec 17. *Be it enacted,* That Willis Jones is hereby appointed a ſurveyor to run the lines of Smith county as preſcribed by this act, and that Lewis M'Farland is hereby appointed to mark the ſaid line, and when completed, the ſaid ſurveyor ſhall receive two dollars per day, and the marker one dollar per day, as full compenſation for their ſervices, to be paid by the ſaid county of Smith.

Sec. 18. *Be it enacted,* That it ſhall and may be lawful for Moſes Fiſk, eſquire, or any other juſtice of Smith county, to attend at the time and place of holding the firſt court in Jackſon county, and is hereby authoriſed and empowered to adminiſter the oath of office to the juſtices of ſaid county.

CHAP. XLIX.

An ACT *to eſtabliſh the bounds of Wilſon county, and to appoint commiſſioners for laying off a town therein.*—(PASSED NOVEMBER 13 1801)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the bounds of Wilſon county ſhall be as follows, viz. Beginning on the ſouth bank of Cumberland river, at the mouth of Drake's lick branch, it being the upper corner of Davidſon county, running from thence up the ſaid river, with the middle of the channel of the ſame to Smith county line, thence ſouth, twenty three degrees eaſt, along the ſaid Smith line, to the Indian boundary line, thence weſtwardly with ſaid Indian line, to Davidſon county line, thence northwardly along ſaid Davidſon county line to the beginning.

Sec 2. *Be it enacted,* That Chriſtopher Cooper, Doctor Alanſon Trigg, Matthew Figures, John Harpole, and John Doak, eſquire, be and they are hereby appointed commiſſioners, who, or a majority of them, ſhall have full power and authority, and are hereby authoriſed and empowered to fix on a place the moſt central and convenient in the aforeſaid county of Wilſon, and to purchaſe forty acres of land, having ſpecial regard to good water and ſituation, for purpoſe of erecting a court houſe, priſon and ſtocks thereon, and it ſhall be the duty of the ſheriff of ſaid county, as ſoon as may be, to notify ſaid commiſſioners, to attend at the next ſucceeding court of ſaid county after ſuch notification, and the ſaid commiſſioners ſhall give bond with ſufficient ſecurity, in the ſum of five hundred dollars each, payable to the chairman of the court of ſaid county, and his ſucceſſors in office, conditioned for the faithful performance of the duties enjoined on them by this act.

Sec. 3. *Be it enacted*, That the aforeſaid commiſſioners or a majority of them are hereby authoriſed and required, as ſoon as may be, after agreeing on the place on which the court houſe, priſon, and ſtocks ſhall be erected in the ſaid county of Wilſon, to agree and contract with ſuitable workmen to erect and build the ſame, for the uſe and benefit of ſaid county, on the beſt terms which can be obtained for the accompliſhment thereof.

Sec. 4. *Be it enacted*, That the ſaid commiſſioners, or a majority of them, as ſoon as may be, after the purchaſing the aforeſaid forty acres of land, ſhall take a deed or deeds of conveyance for the ſame, in their own names as commiſſioners, in truſt for the county aforeſaid, which ſhall be good and valid in law, and ſhall veſt in them and their ſucceſſors in office, a full and complete title for the uſes in this act expreſſed, and they ſhall cauſe a town to be laid off thereon, to be called and known by the name of Lebanon, for county purpoſes, reſerving one acre near the centre thereof, on which ſhall be erected the court houſe, priſon and ſtocks aforeſaid, which one acre, in the plan of ſaid town, ſhall be denominated the public ſquare; and the ſaid commiſſioners ſhall ſell the lots of ſaid town, at public ſale, giving ſix months credit, and thirty days previous notice of ſuch ſale, by advertiſing at four or more of the moſt public places in ſaid county, taking bond with ſufficient ſecurity, for the payment of the purchaſe money, to themſelves and their ſucceſſors in office; and the ſaid commiſſioners or a majority of them, are hereby authoriſed to execute in due form of law, deeds of conveyance in fee ſimple for the ſame to the purchaſers, which ſhall be good and valid in law to all intents and purpoſes.

Sec. 5 *Be it enacted*, That the monies ariſing from the ſale of the aforeſaid lots, ſhall be applied to the payment of the building of the aforeſaid court houſe, priſon and ſtocks; and the ſaid commiſſioners are authoriſed to cauſe the ſaid court houſe to contain two convenient jury rooms, and the priſon to conſiſt of two apartments at leaſt.

Sec. 6. *Be it enacted*, That the court of ſaid county of Wilſon ſhall have power to lay a tax; *Provided*, five of the acting juſtices of ſaid county be preſent when the taxes are laid, which tax ſhall not exceed twelve & an half cents on each hundred acres of land, nor twenty five cents on each town lot, nor ſlave between the age of twelve and fifty years, nor twelve and half cents on each free poll between the age of twenty one and fifty years, nor one dollar on each ſtud horſe kept for covering mares, and not exceeding five dollars on each billiard table, the ſaid tax to be continued from year to year until a ſufficient ſum be collected for the purpoſes aforeſaid, to be collected and accounted for by the ſheriff or collector of the aforeſaid county, and paid to the ſaid commiſſioners at the ſame time, and in the ſame manner, and under the like penalties and reſtrictions as are or may be directed, for collecting, accounting for, and paying public taxes, which ſaid monies ſo ariſing, ſhall be appropriated to carrying this act into effect.

Sec. 7. *And be it enacted,* That the commiſſioners aforeſaid ſhall have full power to elect a ſuitable perſon or perſons to fill any vacancies that may happen in their own body, by death, reſignation, or otherwiſe.

Sec. 8. *Be it enacted,* That the commiſſioners aforeſaid, or a majority of them, as ſoon as the ſaid buildings are completed, ſhall lay before the court of ſaid county, a fair and juſt ſtatement of the coſts and expenditures of ſaid purchaſe and buildings, together with their diſburſements and receipts, and they ſhall be allowed a reaſonable compenſation for their ſervices by the ſaid court: *Provided,* That five of the acting juſtices of ſaid county be preſent when ſuch allowance is made.

Sec. 9. *Be it enacted,* That all laws or parts of laws that come within the purview and meaning of this act, are hereby repealed and made void, any thing to the contrary notwithſtanding.

CHAP. L.

AN ACT *to amend an act, paſſed October the twenty ſixth,* 1799, *entitled,* "An act reducing the limits of Sumner county, and eſtabliſhing two new counties, and repealing an act paſſed October the ſecond, 1797; reſpecting commiſſioners for purchaſing land, laying out a town and erecting a court houſe, priſon and ſtocks in ſaid county, and appointing commiſſioners for that purpoſe.—(PASSED NOVEMBER 6, 1801.)

WHEREAS the commiſſioners appointed by the before recited act, have not executed the duties of their appointments, which reders it neceſſary for this legiſlature parmanently to eſtabliſh the place of holding courts within ſaid county, as near as may be,

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the public buildings of Sumner county ſhall be eſtabliſhed and erected at one of the three hereafter named places, ſituated and lying on the eaſt fork of Station Camp creek, viz on the place known by the name of Dickens's, now ſaid to be the property of John C. Hamilton, eſq. or at the place of captain James Trouſdale, whereon he now lives, lying on the road that leads from major David Wilſon's to John Dawſon's, on Station Camp creek; or at the place whereon David Shelby no lives.

Sec. 2. *Be it enacted,* That Samuel Donelſon, Shadrach Nye, James Wilſon, (curly, ſon of Samuel Wilſon,) Charles Donaho, eſquire, and maj. Thomas Murray, be, and they are hereby appointed, or majority of them, commiſſioners to purchaſe forty acres of land, out of either of the aforeſaid mentioned tracts, that can be had or obtained on the moſt reaſonable terms (having regard to ſituation and water) on ſome part of which (when ſo obtained) ſhall be erected the court houſe, priſon and ſtocks of ſaid county, but ſhould it ſo happen that the aforeſaid commiſſioners or a majority of them, cannot purchaſe or procure by any means, either of the aforeſaid places, for the uſe and purpoſes above mentioned, then and in that caſe only, it ſhall be the duty of the aforeſaid commiſſioners, or a majority of them, to purchaſe the aforeſaid qauntity of forty acres of land, at a ſituation that may appear to them the moſt eligible for the purpoſes aforementioned, to lie within the following limits herein preſcribed, that is to ſay, not exceeding two miles eaſt, nor exceeding a like diſtance weſt of a centre line run through ſaid county of Sumner, by Edward Gwinn and Wallace Harris, nor ſouth of the road leading from Bledſoe's lick, to colonel William Henderſon's, on Drake's creek, nor north of the foot of the ridge dividing the waters of Red and Barren rivers, from thoſe of Cumberland river; and the ſaid commiſſioners, or a majority of them, after having purchaſed as aforeſaid, ſhall take a deed of conveyance for the ſame in their own names, as commiſſioners, in truſt for the county, which ſhall be good and valid in law, and ſhall veſt in them, and their ſucceſſors in office, a complete title for the uſes and purpoſes in this act expreſſed, and if the ſaid commiſſioners, or a majority of them, ſhould refuſe, neglect, or fail to act, ſo as not to carry into full and complete effect the intent and requiſitions of this act, then and in that caſe the county court is hereby authoriſed and required, and it ſhall poſitively be their duty, to appoint from time to time, ſuch other commiſſioner or commiſſioners, who, or a majority of them, are hereby veſted with full and ample powers to carry the ſame into complete effect and operation, according to the true intent and meaning of this act.

Sec 3. *Be it enacted,* That the ſaid commiſſioners, or a majority of them, ſhall, as ſoon as may be after purchaſing and obtaining a title to forty acres of land as aforeſaid, cauſe a town to be laid off thereon, to be called and known by the name of Gallatin, for county purpoſes, reſerving one and an half acre near the centre thereof, on which ſhall be erected the court houſe, priſon and ſtocks for ſaid county, which one and an half acre ſhall be denominated the public ſquare.

Sec. 4. *Be it enacted,* That the ſaid commiſſioners, or a majority of them, be, and they are hereby authoriſed and empowered to ſell the lots of ſaid town at public ſale to the higheſt bidder, at a credit of ſix months, giving thirty days previous notice of ſuch ſale, by advertiſing the ſame in the Naſhville Gazette, and at four or more of the moſt public places in ſaid county, taking bond with ſufficient ſecurity for the purchaſe money, to themſelves and their ſucceſſors in office, to, and for the uſe of ſaid county, and the ſaid commiſſioners, or a majority of them, are hereby authoriſed to execute in due form of law, deeds of conveyance in fee ſimple for the ſame to the purchaſers, which ſhall be good and valid in law to all intents and purpoſes.

Sec. 5. *Be it enacted,* That the money ariſing from the ſale of the aforeſaid lots by the ſaid commiſſioners ſhall in addition to the money already appropriated for the purpoſes aforeſaid, by the ſaid county of Sumner, be applied to the payment of the land by them purchaſed, and the building of the court houſe, priſon and ſtocks, and they are authoriſed to receive propoſals, and contract with a ſuitable perſon or perſons to erect the ſame, the court houſe to have convenient rooms for the juries, and the priſon to conſiſt of two rooms at leaſt.

Sec. 6. *Be it enacted,* That the monies already appropriated by the county of Sumner, for the purpoſes aforeſaid, ſhall be paid into the hands of the ſaid commiſſioners, or a majority of them, and be by them appropriated as by this act directed, of which all officers in the county of Sumner, in whoſe hands any of the monies heretofore collected, or may be hereafter collected for the purpoſes aforeſaid, are hereby required to take notice at their peril, and it ſhall be their duty to ſettle with, and pay the ſame into the hands of ſaid commiſſioners, or a majority of them, taking a receipt or receipts for the ſame, which ſhall be to ſaid officers good vouchers in the ſettlement of their accounts.

Sec. 7. *Be it enacted,* That the ſaid commiſſioners ſhall keep a fair and regular account of all monies by them received and expended, which ſhall be laid before the court of ſaid county occaſionally, and if the monies already appropriated ſhall not be ſufficient to defray the expence of the purchaſe of the land by them purchaſed, and the erection of the court houſe, priſon and ſtocks, the court, or any five thereof, ſhall have full power, and it ſhall be their duty to lay a county tax to make up the deficiency: *Provided*, That the ſaid tax ſhall not exceed ſix and one fourth cents on each white poll, twelve and an half cents on each black poll, ſix and one fourth cents on each hundred acres of land, twelve and an half cents on each town lot, fifty cents on each ſtud horſe, kept for the ſeaſon of mares, and five dollars on each billiard table, for each year, which tax ſhall be continued from year to year, until ſaid buildings are completed, for the purpoſes aforeſaid, and the ſheriff is hereby authoriſed and required, and it ſhall be his duty to collect and account with ſaid commiſſioners, or a majority of them, for the ſame, under ſuch reſtrictions and with ſuch emoluments as he collects other taxes.

Sec 8. *Be it enacted*, That the ſaid commiſſioners ſhall give bond with ſufficient ſecurity, in the ſum of two thouſand five hundred dollars, payable to the chairman of the court of ſaid county, and his ſucceſſors in office, conditioned for the faithful performance of the duties enjoined on them by this act

Sec. 9. *Be it enacted*, That the ſaid commiſſioners, when the buildings are completed, ſhall lay before the court of ſaid county, a fair and juſt ſtatement of the coſts and expences of ſaid purchaſe and buildings, together with their receipts, and ſhall be allowed a reaſonable compenſation for their ſervices by the ſaid court: *Provided*, That five of the acting juſtices of ſaid county be preſent when ſuch allowance is made.

Sec. 10. *Be it enacted*, That if any three of the juſtices compoſing ſaid court when in ſeſſion, ſhall agree in the appointment of a commiſſioner or commiſſioners in the room or ſtead of thoſe refuſing or neglecting to act, if any ſuch ſhould be; ſuch commiſſioner or commiſſioners ſo appointed, are hereby declared to have the ſame power and authority as thoſe originally appointed by this act, and ſubject to the ſame rules, regulations and reſtrictions, and under the ſame penalties in all reſpects whatever, as thoſe were in whoſe room and ſtead he or they were ſo appointed.

Sec. 11. *Be it enacted*, That it ſhall be the duty of the ſheriff of ſaid county, as ſoon as he ſhall be furniſhed with a copy of this act, to notify the aforeſaid commiſſioners of their appointments, requiring them to attend the next ſucceeding court after ſuch notification, in order to enter on the duties enjoined on them by this act, and ſaid commiſſioners when ſo qualified, ſhall carry into effect as ſoon as may be, the duties herein required of them. And whereas there are great inconveniences ariſing to the inhabitants of the ſaid county of Sumner, to attend general elections and general muſters, where the court now ſits.

Sec. 12. *Be it enacted*, That all general elections and general muſters in ſaid county, ſhall, from and after the firſt day of January next, be held at the now dwelling houſe of captain James Trouſdale, on the road leading from major David Wilſon's to John Dawſon's, on Station Camp creek, under the ſame rules, regulations, and reſtrictions, as is by law preſcribed for holding the ſame at the court houſe, until the court of ſaid county ſhall receive the aforeſaid public buildings of ſaid commiſſioners, and then ſaid elections and muſters ſhall be held at the court houſe ſo received, any law, uſage, or cuſtom to the contrary notwithſtanding.

Sec. 13. *Be it enacted,* That all laws or parts of laws that come within the purview and meaning of this act, are hereby repealed and made void, any law, uſage, or cuſtom to the contrary notwithſtanding.

CHAP. LI.

An ACT *aſcertaining the bounds of Montgomery county, and for annexing part of Robertſon county thereto.*—(PASSED OCT. 29, 1801.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That from and after the paſſing of this act the bounds and limits of Montgomery county ſhall be as follows, viz. Beginning one hundred and fifty yards eaſt of captain Joſeph Woolfork's houſe, on the Sulphur fork, thence ſouth to the latitude of captain James Holliſes, thence eaſt to a point twelve and an half miles eaſt of the meredian of the court houſe in the town of Clarkſville, thence ſouth to a point twenty five miles ſouth of the Kentucky line, thence weſt to the Indian boundary line, thence with ſaid boundary line to the Kentucky line aforeſaid, thence with ſaid line eaſt to a point from which a due ſouth courſe will ſtrike the beginning.

Sec. 2. *Be it enacted,* That Henry Johnſon and Benjamin Weakley, or either of them, be, and they are hereby appointed commiſſioners to run and mark the lines which ſhall divide Montgomery from Robertſon county; who ſhall be allowed the ſum of two dollars per day each, and the chain carriers and marker one dollar per day each, for every day they ſhall be neceſſarily employed in running ſaid lines, to be paid by the county of Montgomery.

Sec. 3. *Be it enacted,* That nothing herein contained ſhall be ſo conſtrued as to prevent the ſheriff of Robertſon county from collecting the taxes now due from the inhabitants who ſhall fall into Montgomery county, nor the ſheriff of Montgomery county from collecting the taxes due from thoſe who may fall into Robertſon county, by virtue of this act.

CHAP. LII.

An ACT *to enlarge the bounds and extend the juriſdiction of Blount county.*—(PASSED OCT. 29, 1801.)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the boundaries of Blount county ſhall be extended as follows, viz. Beginning on the eaſtern boundary of this ſtate where the Sevier county line ſtrikes the ſame, thence with the North Carolina boundary to the ſouthern boundary of this ſtate, thence with the ſouthern boundary of this ſtate to where it ſtrikes the the river Tenneſſee, thence up ſaid river to the boundary of Knox county, thence with a line deſcribed by an act, entitled, "An act extending and deſcribing the bounds of Blount county," paſſed at Knoxville, December the 28th, in the year 1798, to the beginning.

Sec. 2. *Be it enacted,* That it ſhall and may be lawful for the ſheriff, coroner, or any conſtable of ſaid county, to execute any proceſs criminal or civil, within the ſaid deſcribed limits of Blount county.

Sec. 3. *Be it enacted,* That this act ſhall be in force and uſe from and after the paſſing thereof.

CHAP. LIII.

An ACT *to appoint a commiſſioner to run the line between the counties of Greene and Cocke* —(PASSED OCTOBER 29 1801.)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That David Stuart, be, and is hereby appointed a commiſſioner to run the line between the counties of Greene and Cocke, agreeably to an act, entitled, "An act to add a part of Greene county to the county of Cocke," paſſed at Knoxville, the ſecond day of January, 1799

Sec. 2. *Be it enacted*, That Thomas Holland, be, and is hereby appointed to attend with ſaid David Stuart, to mark the line between the counties aforeſaid.

Sec. 3 *Be it enacted*, That David Stuart ſhall receive two dollars per day for running, and Thomas Holland one dollar per day for marking ſaid line, to be paid by the treaſurer of Cocke county, and their receipts ſhall be ſufficient vouchers in the hands of the treaſurer in the ſettlement of his accounts.

Sec. 4. *Be it enacted*, That the ſaid David Stuart ſhall take an oath before ſome juſtice of the peace in Greene county, that he will juſtly and truly run the aforeſaid line according to law.

CHAP. LIV.

An ACT *appointing commiſſioners to run and mark the line between the counties of Greene and Waſhington agreeably to an act paſſed at Hillsborough in the year 1783.*—(PASSED NOVEMBER 13, 1801)

BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That James Patterſon is hereby appointed ſurveyor & John Parks marker on the part of Greene county, and Joſeph Brown ſurveyor, and George Davis marker on the part of Waſhington county, to run and mark the line between the counties of Greene and Waſhington, agreeably to an act paſſed at Hillſborough in the year 1783 and each of the ſurveyors ſhall receive two dollars and each of the markers one dollar for each day they may be neceſſarily employed in ſaid buſineſs, to be paid by the treaſurer of their reſpective counties, whoſe receipts ſhall be good in the ſettlement of their accounts.

CHAP. LV

An ACT *appointing commiſſioners to run the boundary line between the counties of Grainger and Hawkins.*—(PASSED NOV 13, 1801.)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That Joſeph Cobb, eſquire, is hereby appointed commiſſioner to run the line between the aforeſaid counties of Grainger and Hawkins, from the ſouth weſt corner of Joel Dyer's and Thomas Henderſon's land to Clinch river, agreeably to an act of aſſembly, paſſed at Knoxville, in the year 1799, entitled, "An act deſcribing and extending the bounds of Grainger county."

Sec. 2. *Be it enacted* That the ſaid commiſſioner is hereby authoriſed to employ a marker to mark ſaid line.

Sec. 3. *Be it enacted*, That the ſaid commiſſioner ſhall be allowed the ſum of two dollars per day, and the marker one dollar per day, for each day they may neceſſarily be employed running ſaid line, which expence is to be paid by the county of Grainger, and their receipts ſhall be ſufficient vouchers with the treaſurer in the ſettlement of his accounts.

CHAP. LVI.

An ACT *to appoint commiſſioners to mark the line between the counties of Greene and Hawkins, agreeably to an act paſſed at Fayetteville, in the year of* 1786 —(PASSED NOVEMBER 10, 1801.)

BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That Daniel Carter, eſquire, of the county of Greene, and William Payne, eſquire, of the county of Hawkins, be, and they are hereby appointed commiſſioners to mark and deſignate the line between the counties of Greene and Hawkins, agreeably to an act of aſſembly paſſed at Fayetteville, in the year of 1786, and ſhall receive for their ſervices the ſum of two dollars for each day they may neceſſarily attend on ſaid buſineſs, to be paid by the treaſurers of their reſpective counties, out of the county monies, whoſe receipts ſhall be good in the ſettlement of the accounts of ſaid treaſurer.

CHAP. LVII.

An ACT *to eſtabliſh the eaſtern boundary line of Davidſon county, on the ſouth ſide of Cumberland river.*—(PASSED NOVEMBER 6, 1801.)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee;* That from and after the paſſing of this act, the eaſtern boundary line of Davidſon county, on the ſouth ſide of Cumberland river, ſhall be as follows, viz Beginning at the mouth of Drake's lick branch, on the ſouth ſide of Cumberland river, and running with the original Davidſon county line, ſouthwardly to a point on ſaid line, northeaſt from the mouth of Hurricane creek which runs into Stone's river, on the ſouth weſt ſide; thence a direct line from the aforeſaid point, to the ridge above the mouth of the firſt large Cedar fork coming into Falling creek on the ſouth ſide, above Robert Smith; thence with ſaid ridge, an eaſtwardly courſe to the main dividing ridge between Falling creek and Bradley's creek; thence a direct courſe to Bradley's creek at Donaho's ſpring; thence continuing the ſame courſe to the main ridge between ſaid creek and the ſouth fork of the ſame; thence ſouth forty five degrees eaſt, to the Indian boundary line; thence with ſaid line, weſtwardly to Williamſon county; thence with ſaid county line north, and continuing with the lines of ſaid county and the lines heretofor eſtabliſhed of ſaid county of Davidſon, to the beginning.

Sec 2. *Be it enacted,* That this act ſhall be in force from and after the firſt day of January next: *Provided,* That nothing herein contained ſhall be ſo conſtrued, as to prevent the ſheriff or collector of taxes of Wilſon county, to collect all taxes that may be due from that part of Wilſon county which is added to Davidſon county by this act.

Sec. 3 *Be it enacted,* That all laws or parts of laws, that comes within the purview and meaning of this act, are hereby repealed and made void any law, uſage or cuſtom to the contrary notwithſtanding.

CHAP. LVIII.

An ACT *authoriſing the courts of Davidſon and Wilſon counties each, to appoint one ſurveyor to run and deſignate the true line as pointed out by act of aſſembly between ſaid counties*—(PASSED NOV. 13 1801)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the court of Davidſon county ſhall appoint one ſurveyor, and the court of Wilſon county ſhall alſo appoint one ſurveyor, which ſurveyors ſo appointed, are hereby authoriſed to run and deſignate the dividing line between the aforeſaid counties, as pointed out by act of this preſent general aſſembly, for which ſervices each of the ſur ſurveyors ſhall be allowed the ſum of two dollars per day, and the chain carriers and markers each one dollar per day, which expences ſhall be equally paid by both counties.

Sec. 2. *Be it enacted*, That if either of the county courts above mentioned, ſhould fail or neglect to appoint a ſurveyor, as directed by this act and the other county ſhould appoint a ſurveyor, the ſaid ſurveyor ſo appointed, is hereby directed to proceed to run the aforeſaid line as deſcribed by this act; and the line ſo run and deſignated between ſaid counties, ſhall be returned to the clerks of ſaid counties, provided both ſurveyors attend; and ſhould but one attend and run the ſame, then, and in that caſe, he ſhall make return to the clerk of the county for which he ſhall be appointed, and the clerk ſhall enter the ſame of record, which ſhall be conſidered as part of his *ex officio* ſervices.

Sec. 3. *Be it enacted*, That the ſaid ſurveyors ſo appointed, or either of them, ſhall run and deſignate the aforeſaid line, on or before the firſt day of May next, any law, uſage, or cuſtom to the contrary notwithſtanding.

CHAP LIX.

An ACT *to apportion the jurors to the counties of Grainger, Claiborne and Knox.*—(PASSED NOVEMBER 14, 1801.)

Be it enacted by the General Aſſembly of the State of Tenneſſee, That from and after the paſſing of this act, the county of Grainger ſhall ſend four jurors to the ſuperior court for the diſtrict of Hamilton; and the county of Claiborne three; and the councounty of Knox ſeven, any thing to the contrary notwithſtanding.

CHAP. LX.

An ACT *authoriſing and requiring the court of Grainger county to lay an additional county tax for the purpoſes therein mentioned*—(PASSED NOVEMBER 13, 1801.)

WHEREAS it is repreſented, that in the year 1797, Henry Howell, James Fears, Michael Maſſingill, and William Millikin, were legally appointed commiſſioners to purchaſe and lay off a place in the county of Grainger for the purpoſe of erecting a court houſe, priſon, and ſtocks, and were veſted with full power to contract and agree with a ſuitable workman for erecting and building a court houſe, priſon and ſtocks for the uſe and benefit of ſaid county; and that in purſuance of the powers veſted in them, they did proceed to purchaſe and lay off a place for the purpoſes aforeſaid, and did contract and agree with Charles Smith, to erect and build the ſaid court houſe, and gave him their bond for a conſiderble ſum of money, as compenſation for the ſame, and were afterwards compelled to pay a conſiderable part of ſaid ſum out of their own private monies, notwithſtanding the court of ſaid county received the ſaid houſe, after it was finiſhed by the ſaid Smith agreeably to his contract, and continued to uſe it as their court houſe for near two years; and the ſaid commiſſioners, & ſundry others, inhabitants of ſaid county, hath petitioned this general aſſembly to enact a law to enable them, the ſaid commiſſioners, to receive the amounts by them reſpectively paid as aforeſaid, out of the monies of the ſaid county of Grainger: Therefore,

Sec. 1. *Be it enacted by the General Aſſembly of the State of Tenneſſee*. That the ſaid commiſſioners may, and are hereby authoriſed to receive from the truſtee of ſaid county, the ſum of two hundred dollars as full compenſation for the monies by them paid for the building of the court houſe aforeſaid; and the ſaid truſtee is hereby required to pay the ſame, and their receipt or receipts in his hands for that amount, ſhall be good vouchers in the ſettlement of his accounts.

Sec. 2 *Be it enacted*, That the county court of Grainger, ſhall lay a tax annually not exceeding two years from and after the firſt day of January next, for the purpoſe of raiſing the aforeſaid ſum of two hundred dollars, which tax when laid, ſhall not exceed twelve and an half cents on each white poll, twenty five cents on each black poll, twelve and an half cents on each hundred acres of land, twenty five cents on each town lot, one dollar on each ſtud horſe kept for covering mares; and ten dollars on each billiard table.

Sec 3 *Be it enacted*, That if any money collected by virtue of this act, ſhall remain after paying the aforeſaid ſum of two hundred dollars, it ſhall be appropriated to the uſe of the ſaid county of Grainger as other county monies.

CHAP LXI.

AN ACT to authoriſe the court of Knox county to lay a tax for the building a priſon and ſtocks in Knoxville —(PASSED NOV. 13, 1801)

Section 1 BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the court of Knox county are hereby authoriſed to lay a tax, not exceeding twelve and an half cents on each hundred acres of land, nor twelve and an half cents on each white poll, nor twenty five cents on each town lot, nor twenty five cents on each black poll, nor one dollar on each ſtud horſe kept for covering mares, nor twenty five dollars on each billiard table, the ſaid tax to be laid from year to year until a ſum ſhall be collected ſufficient to pay for the building a priſon and ſtocks in the town of Knoxville

Sec. 2. *Be it enacted*, That Charles M'Clung, Robert Houſton, and Joſeph Greer, are hereby appointed commiſſioners to contract with a ſuitable workman to build the ſaid priſon, which ſhall conſiſt of two rooms at leaſt.

Sec. 3 *Be it enacted*, That the ſaid tax ſhall be collected by the collector of public taxes for the county of Knox, and be by him paid into the hands of the ſaid commiſſioners, on the ſame per cent. as other county tax, and their receipts ſhall be good in the ſettlement of his accounts.

Sec. 4. *Be it enacted*, That before the ſaid commiſſioners ſhall receive any of the monies as by this act directed, they ſhall enter into bond with ſufficient ſecurity, in the ſum of fifteen hundred dollars, payable to the chairmam of the court or his ſucceſſors in office, for the faithful diſcharge of the duties enjoined on them by this act.

Sec. 5. *Be it enacted*, That if either of the ſaid commiſſioners ſhould die, remove, or refuſe to act, that then and in that caſe, the court ſhall appoint ſome other fit perſon to fill ſuch vacancy.

CHAP. LXII

AN ACT authoriſing the courts of the counties of Waſhington and Carter to lay an additional tax, for the purpoſe of procuring a ſtandard of weights and meaſures, in their reſpective counties.

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That it ſhall and may be lawful for a majority of the acting juſtices of the peace for the county of Waſhington when in ſeſſion to lay an additional tax in ſaid county, for the purpoſe of procuring a ſtandard of weights and meaſures, and the ſaid tax when laid, ſhall be collected, accounted for, and paid as other county taxes, and ſhall not exceed four cents on each white poll, nor eight cents on each black poll, nor four cents on each hundred acres of land, nor eight cents on each town lot, nor twenty five cents on each ſtud horſe kept for covering mares, nor fifty cents on each billiard table

Sec. 2. *Be it enacted,* That it ſhall and may be lawful for a majority of the acting juſtices of the peace for the county of Carter, when in ſeſſion, to lay an additional tax in ſaid county for the purpoſe of procuring a ſtandard of weights and meaſures, and the ſaid tax when laid ſhall be collected, accounted for, & paid as other county taxes, and ſhall not exceed eight cents on each white poll, nor ſixteen cents on each black poll, nor eight cents on each hundred acres of land, nor ſixteen cents on each town lot, nor fifty cents on each ſtud horſe kept for covering mares. nor one dollar on each billiard table

CHAP. LXIII.

AN ACT *to authoriſe the county court of Cocke to lay an additional county tax, for certain purpoſes therin mentioned.*—(PASSED OCT. 29, 1801.)

WHEREAS the priſon of Cocke county has been deſtroyed by fire,

BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the county court of Cocke be, and is hereby authoriſed and empowered to lay an additional tax not exceeding two years, for the purpoſe of building a priſon, and to diſcharge the arrearages due for building the court houſe; not exceeding twelve and an half cents on each white poll, twenty five cents on each black poll, twelve and an half cents on each hundred acres of land, one dollar on each ſtud horſe kept for covering mares, twenty five cents on each town lot, to be collected by the ſheriff, accounted for, and paid into the hands of the commiſſioners appointed for ſaid county, for the purpoſe aforeſaid.

CHAP. LXIV

AN ACT to empower the court of Sevier county to lay and collect an additional county tax, for the purpoſe of building a priſon.—(PASSED OCTOBER 29, 1801.)

WHEREAS the priſon late of Sevier county hath been deſtroyed by fire,

SEC. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the county court of Sevier be authoriſed and empowered to lay an additional county tax for two years, not exceeding twelve and a half cents on each white poll, twenty five cents on each black poll, twelve and a half cents on each hundred acres of land, twenty five cents on each town lot, fifty cents on each ſtud horſe kept for the purpoſe of covering mares, to be applied for the purpoſe of building ſaid priſon.

Sec. 2. *Be it enacted,* That the commiſſioners heretofore appointed by law in the county of Sevier, ſhall be veſted with full power and authory to contract with ſuch perſon or perſons as they may think proper, to build ſaid priſon.

Sec. 3. *Be it enacted,* That the tax ſo laid ſhall be collected by the ſheriff of ſaid county, and paid into the hands of the commiſſioners, or ſuch of them as ſhall be appointed to receive the ſame, and that he have the ſame per cent. for collecting it, as for other collections.

CHAP. LXV.

AN ACT authoriſing the county court of Greene to lay an additional tax, for the purpoſe of procuring a ſtandard of weights and meaſures.—(PASSED OCTOBER 29, 1801.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That it ſhall and may be lawful for a majority of the juſtices of Greene county, when in ſeſſion, to lay an additional tax, for the purpoſe of procuring a ſtandard of weights and meaſures.

Sec. 2. *Be it enacted,* That the tax when laid, ſhall be collected and accounted for as other county monies, and ſhall not exceed four cents on each white poll, nor eight cents on each black poll, nor four cents on each hundred acres of land, nor eight cents on each town lot, nor twenty five cents on each ſtud horſe kept for covering mares, nor fifty cents on each billiard table.

CHAP. LXVI.

AN ACT to repeal an act, appointing commiſſioners to ſettle with perſons heretofore appointed in the county of Waſhington, to contract for the public buildings, and the regulation of the town of Joneſborough, and to appoint certain perſons in their ſtead, for the purpoſes aforeſaid.—(PASSED NOV. 6, 1801.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That John Kennady, Iſaac Depue, Thomas Embree, Andrew Steele, and Robert Eaches are hereby appointed commiſſioners, and they or a majority of them, are hereby veſted with full power and authority, and it is hereby declared to be their duty, jointly or ſeverally, to proceed without delay to notify all and every perſon or perſons who has heretofore failed to ſettle for their ſeveral collections. And in order to preſcribe the mode by which the ſaid commiſſioners ſhall proceed, It is hereby enacted, That where any ſheriff, collector or other perſon holding any county monies, for which a full and complete ſettlement has not been made, to notify ſuch perſon or perſons as aforeſaid, in writing at leaſt twenty days previous to the time upon which the ſettlement is to be made; any perſon notified as hereafter directed, and failing to comply with ſaid requiſition, ſhall be liable to a ſuit or ſuits at the inſtance of the commiſſioners, or either of them, againſt both principal and ſecurities, in any of the courts of record within this ſtate.

Sec. 2. *Be it enacted,* That the ſaid commiſſioners ſhall have full power and authority to call on the clerk of their county for all bonds and other papers in his office, which in the opinion of ſaid commiſſioners ſhall in any wiſe be eſſential to carrying the aforeſaid ſettlement into effect; and it ſhall be the duty of the ſaid commiſſioners, at the ſecond court after entering into the duties enjoined by this act, to report and ſtate in writing, which ſhall be poſted up in ſome public place within the court houſe, for the information of the people, and all monies recovered and collected by ſaid commiſſioners, ſhall be paid into the treaſury of their county, there to be appropriated as other county monies.

Sec 3. *Be it enacted,* That the commiſſioners aforeſaid, previous to entering into the duties of their appointments, ſhall take an oath or affirmation to the following effect, viz. “I, *A. B.* do ſolemnly ſwear (or affirm, as the caſe may be) that I will faithfully execute the duties enjoined on me by this act, and in all reſpects act conſiſtent with the intereſt of the people according to the beſt of my knowledge. *So help me God.* And the court of Waſhington county ſhall make full compenſation to ſaid commiſſioners for their trouble and expence, to be paid out of the county treaſury.

Sec. 4. *Be it enacted,* That if the clerk aforeſaid, ſhall fail to render ſuch papers as the ſaid commiſſioners may require, the ſaid clerk ſhall for ſuch offence forfeit the ſum of five hundred dollars, to be recovered in any court within this ſtate having juriſdiction thereof, one half to be applied to the uſe of the county, the other half to ſuch perſon as may ſue for the ſame.

Sec. 5. *Be it enacted*, That the before recited act is hereby repealed and made void

---

CHAP. LXVII.

An ACT to amend the ſecond ſection of an act entitled, "An act appointing commiſſioners to contract for building a court-houſe and ſtocks in the town of Naſhville"—(Passed November 13, 1801.)

BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the county court of Davidſon ſhall lay a tax annually, not exceeding eighteen and three fourth cents on each white poll, nor thirty ſeven and an half cents on each black poll, nor eighteen and three fourth cents on each hundred acres of land, nor thirty ſeven and an half cents on each town lot, nor one dollar on each ſtud horſe kept for the ſeaſon of mares, nor twenty five dollars on each billiard table, which ſaid tax ſhall be continued for the term of two years (if neceſſary) and no longer.

CHAP. LXVIII.

An ACT to amend the tenth, eleventh, and twelfth ſections of an act, entitled, "An act to divide the county of Davidſon into two diſtinct counties"—(Passed November 10, 1801.)

WHEREAS the court of Davidſon and Williamſon counties, have failed to comply with the true intent and meaning of the contents of ſaid ſections; and whereas there are debts remaining due from the county of Davidſon, at the time of conſtituting Williamſon: Therefore,

Section 1. BE *it enacted by the General aſſembly of the State of Tenneſſee*, That all the debts that Davidſon county juſtly owed at the time of Williamſon being ſtricken off and formed into a new and diſtinct county, ſhall be apportioned between the two counties, agreeably to the amount of taxable property and polls in each.

Sec. 2. And in order to have all accounts liquidated and prevent future diſputes between ſaid counties, *Be it enacted*, That the ſecond courts which ſhall hereafter ſet in each county, ſhall each appoint a commiſſioner, which ſaid commiſſioners ſhall be inveſted with full power, and it ſhall be their duty to ſettle ſaid accounts, and apportion them between ſaid counties, and that all claims againſt ſaid county of Davidſon as aforeſaid, be preſented properly authenticated to ſaid commiſſioners, on or before the firſt day of June, 1803, or the payment thereof be forever barred; & for the ſervices herein mentioned, ſaid commiſſioners ſhall be allowed two dollars per day, to be paid out of the monies belonging to ſaid counties: *Provided always*, That ſhould the county court of Williamſon fail or neglect to comply with the requiſitions of this act, then and in that caſe, the commiſſioner on the part of Davidſon county, ſhall proceed to liquidate the accounts aforeſaid, between ſaid counties, which ſhall be binding on ſaid counties in as full and ample a manner as if both commiſſioners had acted, and the county of Williamſon ſhall be bound to pay her equal proportion of the ſame. And to enable the court of ſaid county to carry this act into effect,

Sec. 3. *Be it enacted*, That the juſtices of ſaid county of Williamſon are hereby authoriſed and empowered, and it ſhall be their duty without fail, at the ſecond court to be held for ſaid county in each and every year, to lay a tax on the taxable property and polls within ſaid county, for the purpoſe of carrying into effect the true intent and meaning of this act, any law to the contrary notwithſtanding.

CHAP. LXIX

AN ACT making proviſion for improving the navigation of the river Nolichucky.—(PASSED NOVEMBER 10, 1801.)

WHEREAS from the preſent flouriſhing ſituation of the ſtate of Tenneſſee, rapidly progreſſing in wealth and population, her citizens are in the annual enjoyment of conſiderable ſurplus of the neceſſaries of life, and other productions of their laudable induſtry and labor: And whereas, if ſufficient encouragement was afforded to promote exportation, and emigration from abroad, and to excite our citizens to more vigorous exertions by affording a ready and convenient market for their ſurplus produce, this ſtate would daily encreaſe in wealth, commerce, and reſpectability: And whereas, the clearing the navigable ſtreams and rivers in the ſame, would greatly conduce to the attainment of the deſirable object, and would afford additional encouragment to uſeful induſtry and labour,

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That it ſhall and may be lawful for the citizens of the counties of Waſhington, Greene, and Jefferſon, or other perſons in the ſaid ſtate willing to engage in the ſame, to clear out and remove from the bed or channel of ſo much of the river Nolichucky, as ſhall be within the limits of the aforeſaid counties, all and every obſtruction which in any way impede or hinder the navigation of the ſame, on the proviſions, and ſubject to the reſtrictions herein afterwards contained.

Sec. 2 *Be it enacted*, That for the ſake of public œconomy, for the eaſe and convenience of the citizens, and that they may not be ſubjected to any taxation for which they may not poſſibly enjoy equivalent benefits, that ſo much of the ſaid river Nolichucky, as is contained within the limits of the counties aforeſaid, ſhall be cleared and improved by the citizens of the ſaid counties, or other perſons willing to engage in the ſame, by ſubſcription in the manner hereinafter directed and preſcribed.

Sec. 3. *Be it enacted*, That in order to carry into effect the objects of this act, on the firſt day of March, in the year of 1802, propoſals for ſubſcription ſhall be opened in the counties of Waſhington, Greene, and Jefferſon, for one thouſand two hundred ſhares, at the rate of ten dollars per ſhare: which ſaid propoſals ſhall remain open for the citizens of ſaid counties, for their ſubſcription, for the term of twelve months; after the expiration of which time the ſubſcriptions ſhall be open for all other perſons whatſoever, who ſhall come forward and ſubſcribe in conformity to the requiſitions of this act; and for the convenience of all perſons who may be deſirous to embark in the ſame, three ſubſcriptions ſhall be opened in each of the aforeſaid counties; one at the town of Jonesborough, by John McAliſter, one other by George Gilliſpie, the third by Robert Love, the fourth in the county of Greene, by William Dixon, the fifth by William Nelſon, the ſixth by Henry Conway, ſenior, the ſeventh in the county of Jefferſon, by Joſiah Jackſon, the eighth by John Seahorn, the ninth by George Doherty, who are hereby authoriſed and empowered to take in ſubſcriptions and receive the ſeveral ſums of money to be ſubſcribed as aforeſaid, all which ſaid ſeveral ſums ſhall be appropriated as ſhall be hereafter directed.

Sec. 4. *Be it enacted*, That whenever any perſon or perſons ſhall ſubſcribe as aforeſaid, for any ſhare or number of ſhares, he, ſhe, or they ſhall, at the time of ſuch ſubſcription, pay the ſum of five dollars for each and every ſhare, ſo by him, her, or them ſubſcribed, and ſhall, within the term of ſix months afterwards, pay up the remainder of his, her or their ſubſcription money on ſaid ſhare or ſhares, in default of which ſaid payments, the ſums ſo by him, her, or them previouſly paid in at the time of ſubſcribing, ſhall be forfeited for the purpoſe of clearing the ſaid river, and it ſhall be lawful for the perſons authoriſed as aforeſaid to receive ſubſcriptions, to ſell and diſpoſe of ſaid ſhares, any thing herein contained to the contrary notwithſtanding.

Sec. 5. *Be it enacted* That as ſoon as the ſaid ſubſcriptions ſhall be filled up by the propoſals of the ſhares aforeſaid, and the ſum of ſix hundred dollars ſhall be received in the counties of Waſhington, Greene, and Jefferſon, that then the ſaid ſu[illegible]ſcibers in each county, reſpectively, ſhall be, and are hereby decleared to be bodies corporate and politic in law, to be known and called by the ſtyle, name, and title of the Nolichucky River Company, which company, and their ſucceſſors, ſhall have and poſſeſs all the rights, privileges and capacities of bodies politic and corporate in law, which may be neceſſary for carrying into full and complete effect, the intent and meaning of this act.

Sec. 6. *Be it enacted,* That for the convenience of the ſaid company in tranſacting their reſpective buſineſs it ſhall and may be lawful for the members compoſing ſaid company, at ſuch time and place as they, or a majority of them may deem proper, to convene and elect a preſident, and ſuch other officers of the company as the may deem proper for the purpoſe aforeſaid.

Sec. 7 *Be it enacted.* That the ſaid Nolichucky Company ſhall furniſh themſelves with a ſeal of corporation, which ſhall be lodged in the hands of ſuch officer or officers as they may direct, by which they ſhall be known, and which ſeal when attached to any obligation, contract, or other inſtrument, ſhall be good and ſufficient evidence againſt them in any court of law, wherein ſuch inſtrument of writing be cognizable.

Sec 8 *Be it enacted,* That the Nolichucky River Company, whenever they may deem it expedient, ſhall have full power and authority to enter into any contract or contracts for clearing out all obſtructions, and improving the navigation of ſaid river, between the lower end of Benjamin Brown's iſland, in the county of Waſhington, to the confluence with French Broad river, and down the ſame to the Sevier line: *Provided,* That it ſhall not be lawful for them to enter into any contract or contracts for the purpoſe aforeſaid, unleſs one third of their members be preſent and concur in the ſame.

Sec. 9. *Be it enacted,* That it ſhall and may be lawful for the Nolichucky River Company, to demand and receive as a reimburſement and compenſation for their labour, trouble, and expence, the following rates of toll, viz. One dollar per ton, and in proportion for a greater or leſſer burthen, which ſaid toll ſhall be paid by every perſon or perſons commanding or having the charge of any boat, raft, floats, or other craft, at the rates aforeſaid, at ſuch place on the ſaid river, and to ſuch perſons as may be authoriſed to receive the ſame by the ſaid company within the limits aforeſaid

Sec. 10. *Be it enacted,* That three cuſtom houſes be eſtabliſhed on ſaid river for the purpoſe of receiving toll, in ſuch places as the ſaid Nolichucky River Company may think expedient, and any boat, craft, or other veſſel, entering in above the upper cuſtom houſe, ſhall pay at the rates of one dollar per ton ; any boat, craft or other veſſel, entering in between the upper cuſtom houſe, and the ſecond below, ſhall pay at the rates of ſeventy five cents per ton; and any boat, craft, or other veſſel, entering in between the ſecond cuſtom houſe and third, ſhall pay at the rates of fifty cents per ton, and in proportion for a greater or leſſer burthern

Sec. 11. *Be it enacted*, That if any perſon or perſons having charge of any boat or boats, raft, float, or other craft, ſhall contrary to the true intent and meaning of this act, fraudulently or wilfully paſs with the ſaid boat or other craft, by the aforeſaid places appointed by the ſaid company for receiving toll, without paying the ſame, that then and in ſuch caſe, it ſhall and may be lawful for the ſaid company to inſtitute a ſuit or ſuits before any juſtice of the peace of any county, where the offender or offenders may be found, and recover double the amount of the toll againſt them, to which ſaid offenders were liable, agreeably to the rates aforeſaid.

Sec. 12. *Be it enacted*, That if any ſubſcriber, or holder of a ſhare or ſhares as aforeſaid, either by their removal out of their reſpective counties, or from other cauſe, ſhall be deſirous of ſelling and diſpoſing of their ſhare or ſhares, that then and in ſuch caſe, it ſhall be lawful for him her, or them, to diſpoſe of the ſame, and the perſon or perſons purchaſing the ſame, on producing to ſuch officer as the ſaid company may appoint, ſuch vouchers or evidences of purchaſe, as they may require, ſhall be enrolled as members of ſaid company, and be hereafter entitled to all rights, privileges, and immunities of original ſubſcribers.

Sec. 13. *Be it enacted*, That it ſhall be the indiſpenſible duty of ſaid company, and their ſucceſſors, their reſpective limits aforeſaid, at all times after the expiration of ſix years, to keep in good and ſufficient, repair, and navigable order, the channel and bed of the ſaid river, at the moſt ſhallow place of water, ſhall be eighteen inches deep, and twenty feet wide; and in neglect or default thereof, it ſhall and may be lawful for any perſon or perſons injured by reaſon of their omiſſion and neglect to inſtitute a ſuit or ſuits againſt the ſaid company, in the ſuperior court of the diſtrict, or in the court of pleas and quarter ſeſſions of the counties in which ſuch injuries ſhall accrue, in which ſaid ſuit or ſuits the party aggrieved, ſhall recover ſuch damages as he, ſhe, or they may have ſuſtained which ſaid damages ſhall be aſſeſſed by a jury of the county as in other caſes.

Sec. 14. *Be it enacted*, That when any writ or other proceſs ſhall be iſſued againſt the company, it ſhall be the duty of the officer to whom it ſhall be directed, to ſerve the ſame upon the preſident, or in caſe there ſhall be no preſident at the time, or in caſe of the abſence of the preſident, on any two members of ſaid company, which ſaid ſervice ſhall be by exhibition of ſaid proceſs perſonally to him or them, or by delivering a written notice of ſaid proceſs being iſſued againſt them, and in no other manner or way whatſoever.

Sec. 15. *Be it enacted*, That this act ſhall be in force and uſe for the ſpace of forty years and no longer.

CHAP LXX.

AN ACT *to prevent the obſtruction of the navigation of certain rivers therein mentioned.*—(PASSED NOVEMBER 13, 1801.)

Section 1, BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That it ſhall not be lawful for any perſon to obſtruct the navigation of the weſt fork of Red river in Montgomery county, from its mouth to the large Cave ſpring at or near the upper line of Campbell's large ſurvey of land on ſaid weſt fork ; nor of Stone's river, from its mouth to the main weſt fork of ſaid river, in Davidſon county ; nor Little river, in and adjoining the county of Blount, from its mouth to Bradley's mill.

Sec. 2. *Be it enacted,* That if any perſon ſhall obſtruct either of the aforeſaid rivers, he ſhall be ſubject to the ſame penalties of offenders who are guilty of obſtructing roads or high ways.

CHAP. LXXI.

AN ACT authoriſing the county court of pleas and quarter ſeſſions of the county of Carter to open a certain road and fix a turnpike thereon.—(PASSED OCTOBER 29, 1801.)

WHEREAS a road from or near the iron works on Roan's creek, up the ſouth fork of ſaid creek, to the boundary line between the ſtate of North Carolina and this ſtate, would not only be of conſiderable advantage to the inhabitants of ſaid county, but would be of great convenience to perſons paſſing from this ſtate to the ſaid ſtate of North Carolina,

Sec. 1. *Be it enacted by the General Aſſembly of the State of Tenneſſee,* That it ſhall and may be lawful for the ſaid court of pleas and quarter ſeſſions of the county of Carter to appoint from time to time commiſſioners to mark and open a great road from or near the iron works on Roan's creek in ſaid county of Carter, up the ſouth fork of Roan's creek, acroſs the mountain, the neareſt and beſt way leading towards Aſh court houſe till it interſects the ſaid boundary.

Sec. 2 *Be it enacted,* That it ſhall and may be lawful for the ſaid court, after the road is opened and fit for travellers to paſs and repaſs, to eſtabliſh and fix a turnpike on ſaid road, at ſuch place as the commiſſioners appointed to open ſaid road may deem proper.

Sec. 3. *Be it enacted,* That when the turnpike ſhall be thus erected, the ſaid court ſhall appoint and employ a proper perſon to keep ſaid turnpike, who ſhall, at the time of his acceptance of ſuch appointment, enter into bond with approved ſecurity, to the court of ſaid county, in the ſum of five thouſand dollars, for the faithful diſcharge of the duties required by this act, and alſo in open court to take and ſubſcribe the following oath, to wit. " I, *A. B.* do ſolemnly ſwear, that I will not aſk or demand from any perſon or perſons who may paſs the turnpike I am employed to keep, any toll but what is pointed out by law, and that I will render a true account to this court at ſuch time as they ſhall appoint, of all monies by me received by virtue of my appointment. *So help me God*

Sec. 4. *Be it enacted,* That the court of ſaid county ſhall have power to lay and aſſeſs any ſum or ſums in proportion to, and not exceeding the following, which ſhall be collected by the keeper of ſaid turnpike, from ſuch perſon or perſons who may paſs ſaid turnpike, to wit : waggon, team and driver, ſeventy five cents ; man and horſe, twelve and an half cents ; led horſe, ſix cents ; four wheel carriage of pleaſure, one dollar and fifty cents ; one chair, horſe and rider, ſeventy five cents ; cart, team and driver, thirty ſeven and an half cents.

Sec. 5. *Be it enacted,* That the perſon ſo employed by the court to keep ſaid turnpike as aforeſaid ſhall, at ſuch time as the court may direct, account for and pay into the hands of the clerk of ſaid court, all monies by him received by virtue of his ſaid appointment, which monies ſhall be applied by the court to the defraying the expences of opening and keeping ſaid road in repair.

Sec. 6. *Be it enacted,* That it ſhall be the duty of ſaid clerk, to keep a fair and juſt account of all the monies he may receive from the keeper of ſaid turnpike, from time to time, and pay the ſame to the order of ſaid court, and in caſe of failure, he ſhall forfeit and pay double the ſum he may have ſo received from the keeper of ſaid turnpike, to be recovered by action of debt or aſſumpſit, by the chairman of ſaid court.

Sec 7. *Be it enacted,* That the ſaid clerk ſhall be entitled to receive for his ſervices, in receiving, keeping and paying out ſaid monies, two and an half per cent. which he is hereby authoriſed to detain in his own hand.

Sec. 8. *Be it enacted,* That this act ſhall be in force for the ſpace of twenty years from the paſſing thereof, and no longer.

CHAP. LXXII.

An ACT to authoriſe the court of Sevier county to open a certain road therein mentioned, and fix a turnpike or turnpikes thereon.—(PASSED NOVEMBER 13 1801)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the juſtices of the county of Sevier, and their ſucceſſors in office, are hereby conſtituted a body politic and corporate, for the purpoſe of opening or cauſing to be opened, a road from the town of Sevierville, in the county aforeſaid, to the boundary line of this ſtate, in a direction to the moſt convenient port or commercial place in the ſtate of Georgia.

Sec. 2. *Be it enacted,* That the ſaid juſtices, or a majority of them ſhall have power from time to time, to appoint one or more viewers to view, lay off and mark a road, the beſt and moſt convenient way to the boundary line of this ſtate, in a direction to the neareſt port or commercial place in the ſtate of Georgia, and to allow the ſaid viewers each, not exceeding the ſum of two dollars per day, to be paid out of any money in the treaſury of ſaid county; and upon ſuch report of the ſaid viewers as may be ſatisfactory, the ſaid juſtices or a majority of them, may proceed to open, or cauſe to be opened the ſaid road, by either of the methods they may deem moſt deſirable, as herein after authoriſed.

Sec. 3. *Be it enacted,* That when the ſaid juſtices ſhall have aſcertained the beſt way for opening ſaid road, they, or a majority of them, may employ ſuch, and ſo many perſons as they may think neceſſary, to open, clear, and keep in repair ſaid road, in ſuch manner, as they, the ſaid juſtices may deem expedient, and to defray the expences of opening the ſaid road, the ſaid juſtices may, by either or both of the means following, raiſe ſuch ſum or ſums of money as may be ſufficient to anſwer the above purpoſe, to wit: by collections to be made by voluntary ſubſcription, or by a county tax to be laid annually, ſo long as neceſſary, not exceeding on each white poll fifty cents, on each black poll one dollar, on each town lot one dollar, on each hundred acres of land fifty cents, on each taxable ſtud horſe one dollar, which tax when laid, ſhall be collected as other county taxes, ſubject to the diſpoſal of ſaid juſtices as aforeſaid.

Sec. 4 *Be it enacted,* That ſaid juſtices ſhall have power to let the opening, clearing, and keeping in repair of ſaid road, to any one or more perſon or perſons, on conſideration of the benefit of the toll as hereinafter authoriſed, and ſuch letting ſhall be under ſuch rules, regulations, and reſtrictions as the ſaid juſtices may deem proper, not otherwiſe inconſiſtent with this act.

Sec. 5. *Be it enacted*, That as ſoon as it ſhall appear to the ſaid juſtices, that the ſaid road is opened and cleared fit for the paſſage of loaded waggons and travellers, the ſaid juſtices may fix one or more turnpike or turnpikes, at ſuch place or places as may be neceſſary on ſaid road, and engage one or more perſon or perſons to keep ſaid turnpike or turnpikes, who ſhall give bond with ſuch ſecurity, payable to the chairman of the court of ſaid county and his ſucceſſors, and with ſuch conditions as the ſaid juſtices may direct, and the ſaid keeper ſhall take an oath well and truly to account for all monies by him received as keeper of ſuch turnpike, and ſhall receive ſuch compenſation as the ſaid juſtices may agree with him for, and ſhall account with the ſaid juſtices at ſuch times as they may require.

Sec 6. *Be it enacted*, That the ſaid juſtices ſhall have power to lay a toll to be collected on ſaid road, not exceeding, and in proportion to the following rates, to wit: For each waggon and team, one dollar.—For each four wheel carriage of pleaſure, one dollar & fifty cents.—For each two wheel carriage of pleaſure, ſeventy five cents.—For each horſe and rider, twelve an half cents ——For each ſingle horſe, ſix and a fourth cents.——For each head of neat cattle, two cents.—For each head of hogs or ſheep, one cent: *Provided*, That toll ſhall not be exacted at more than one turnpike on ſaid road, of the ſame perſon for the ſame thing.

Sec. 7. *Be it enacted*, That the ſaid juſtices may make ſuch rules and regulations as they may think proper, for the exemption of any perſon from tollage and taxes aforeſaid, on account of working on ſaid road.

Sec. 8. *Be it enacted*, That if any keeper of ſuch turnpike, ſhall demand and receive greater toll than allowed as aforeſaid, ſuch keeper ſhall be liable to refund to the perſon injured the exceſs, and ſhall be further liable to pay the ſum of fifty dollars to any perſon who will ſue for the ſame to be recovered before any judicature having cognizance of that ſum.

Sec. 9. *Be it enacted*, That if any perſon ſhall forcibly or clandeſtinely paſs by ſaid turnpike in order to evade the payment of the toll, ſuch perſon ſhall forfeit and pay the ſum of ten dollars, over and above the amount of the toll, to be ſued for and recovered in the name of the keeper, and to be applied as other money ariſing by ſaid toll.

Sec. 10. *Be it enacted*, That the ſaid county, or the perſon or perſons to whom the ſaid road may be let as aforeſaid, as the caſe may be, ſhall be allowed one hundred per cent. on the amount of the whole expenditures and expences of opening and keeping the ſaid road in repair; and as ſoon as it ſhall appear to the ſaid juſtices, that the whole amount of the ſaid expenditures and expences, together with the ſaid one hundred per cent. is reimburſed and paid by the toll ariſing as aforeſaid, the ſaid turnpike or turnpikes ſhall ceaſe, and the ſaid road ſhall be free from toll.

Sec. 11. *Be it enacted*, That the ſaid juſtices ſhall cauſe the clerk of ſaid county, and it ſhall be his duty, to record in a book to be kept by him for that purpoſe, all proceedings of ſaid juſtices, or any other proceedings that they may deem neceſſary, relative to ſaid road, or ariſing under this act; and the ſaid juſtices ſhall allow him ſuch compenſation as may appear to them adequate to his ſaid ſervices, to be paid out of the county treaſury, or by reſervation on, or out of ſaid toll.

Sec. 12. *Be it enacted*, That nothing in this act contained ſhall be conſtrued to authoriſe the ſaid juſtices to open the ſaid road through any part of the territory allotted to the Indians.

CHAP. LXXIII.

AN ACT authoriſing the opening and repairing of the road from Hamilton diſtrict to the diſtrict of Mero, as ſtipulated by the treaty of Holſton, and for erecting a turnpike or turnpikes. (PASSED NOV. 14, 1801.)

WHEREAS juſtice and policy require, that the road leading from Hamilton diſtrict to the diſtrict of Mero, ſhould be made and kept in good repair, and it is ſuppoſed that an aſſociation of citizens would undertake the ſame, if proper encouragement would be given by the legiſlature:

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the governor is hereby authoriſed, and required to erect and incorporate, under hand and ſeal, any number of perſons not exceeding five, who ſhall be known by the title and ſtyle of the Cumberland Turnpike Company, and may ſue or be ſued under the title aforeſaid.

Sec. 2. B*e it enacted*, That the company ſhall meet as ſoon as convenient after being incorporated, and when met, ſhall proceed to chooſe a preſident out of their own body, which company is hereby empowered to make ſuch laws, rules and regulations as may be deemed neceſſary for carrying this act into effect: *Provided*, ſuch laws and regulations are not inconſiſtent with the conſtitution and laws of this ſtate.

Sec. 3. *Be it enacted*, That the company ſhall meaſure and mile mark the road, erect bridges and cauſeys, dig and level the ſides of hills and mountains, over which the ſaid road may paſs, to the breadth of fifteen feet, except where it may be neceſſary to build bridges, cauſeys, or dig the road as aforeſaid, in which caſes the ſame ſhall be twelve feet in breadth, & ſaid company ſhall hereafter maintain and keep the ſaid road in good order and repair for the term of ten years, during which time ſaid company, their heirs, executors, &c. ſhall be entitled to all the emoluments and profits ariſing therefrom.

Sec. 4. *Be it enacted*, That the ſaid company ſhall, previous to entering into the duties enjoined upon them by this act, enter into bond with approved ſecurity, in the ſum of two thouſand dollars, payable to the governor and his ſucceſſors in office, conditioned for keeping ſaid road in good repair.

Sec. 5. B*e it enacted*, That the governor ſhall appoint three perſons as commiſſioners, and they or either of them, ſhall review and examine the ſituation of ſaid road, once in ſix months, and report to the governor the ſtate and condition thereof. And it ſhall be the duty of the company aforeſaid, to make known to the governor as ſoon as convenient, that they have complied with the law relative to repairing ſaid road, and requeſt him to have the ſame viewed by the commiſſioners appointed for that purpoſe; and if, upon their report, it ſhall appear, that the road is opened agreeable to the true intent and meaning of this act, the governor is hereby requeſted to iſſue a licence for erecting a turnpike or turnpikes, at ſuch place as may be pointed out by the company, reſerving to the ſaid company, the right of removing the turnpike to ſuch place as they may deem proper.

Sec. 6. *Be it enacted*, That the company aforeſaid, are hereby authoriſed to demand and receive at the turnpike aforeſaid, the following rates of toll, to wit:—For each waggon and team, ſeventy five cents; for each four wheel carriage for the conveyance of perſons, one dollar and fifty cents; for each chair and horſe, ſeventy five cents; for each cart and team, thirty three and one third cents; for each man and horſe, twelve and an half cents; for each led or looſe horſe, ſix and a quarter cents; for each head of cattle, hogs or ſheep, one cent; for each taxable poll travelling on foot, ſix and a quarter cents: *Provided*, the keeper of ſaid turnpike ſhall not demand any of the aforeſaid rates of toll from any Indian or Indians whatſoever

Sec 7. *Be it enacted*, That if any perſon ſhall ſuſtain any damage on account of being detained by the keeper of ſaid turnpike, or by the road being out of repair, ſuch perſon ſhall have an action againſt the company for the damages by him ſuſtained.

Sec. 8 *Be it enacted*, That if any perſon or perſons ſhall clandeſtinely paſs by, or attempt to paſs by ſaid turnpike, to evade the payment of the aforeſaid toll, he or they ſhall, for every ſuch offence, forfeit and pay to ſaid company, the ſum of ten dollars, to be recovered before any judicature having cognizance thereof.

Sec 9. *Be it enacted*, That it ſhall be the duty of the governor in the formation of the company aforeſaid, to appoint an equal number, or as near ſo as may be, of perſons on both ſides of Cumberland mountain.

Sec. 10. *Be it enacted*, That the commiſſioners appointed to view the ſaid road ſhall each be allowed the ſum of two dollars for each day they may be neceſſarily employed in the ſame, to be paid by the company.

Sec. 11. *Be it enacted*; That the ſaid company ſhall have the road opened & made in good repair, agreeably to the true intent and meaning of this act, on or before the firſt day of September next, or ſhall forfeit all right to the ſame.

Sec. 12. *Be it enacted* That the company ſhall cut and clear the road from the Indian boundary line, on the eaſt ſide of Cumberland mountain, to the fork of the roads leading to Fort Blount and Walton's ferry, and they ſhall erect a turnpike or turnpikes for the purpoſe of receiving the tolls as aforeſaid, from all perſons travelling ſaid road, but no perſon ſhall be liable to pay but one toll for travelling the ſame

CHAP. LXXIV.

An ACT appointing commiſſioners for the purpoſe of clearing, opening, and keeping in repair, a certain road therein mentioned.—(PASSED OCTOBER 29, 1801.

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That Thomas Henderſon, Joſeph Cobb, Iſaac Lane, James Roddye, and John Hunt, or a majority of them, be, and the ſame are hereby appointed commiſſioners for the purpoſe of clearing, opening, and keeping in repair the ſaid road, or that part thereof, which lies between Bean's old ſtation, and the ford of Sycamore creek, leading through the Three Stone Gap, by Holt's ferry on Clinch river, which ſaid commiſſioners ſhall let out to the loweſt bidder, for the ſhorteſt ſpace of time, not exceeding four years from and after firſt receiving toll as hereafter preſcribed.

Sec. 2. *Be it enacted*, That the ſaid commiſſioners are hereby authoriſed and required, as ſoon as they, or a majority of them, ſhall judge that the undertaker of the opening and repairing of ſaid road has made the ſame in as good repair as the nature of the country will admit of, to iſſue their licence to the ſaid undertaker to keep a turnpike thereon, at ſuch place as the ſaid undertaker may deem moſt proper, for the time ſtipulated between the ſaid commiſſioners and the undertaker of ſaid road, firſt taking bond payable to the chairman of the court of the county, in which ſaid turnpike ſhall then be, and his ſucceſſors in office, in the penal ſum of ten thouſand dollars, with ſufficient ſecurity, conditioned for the keeping ſaid road in good repair, for the time which he is allowed to keep ſaid turnpike, and the ſaid undertaker is alſo to take and ſubſcribe the following oath. I A, B do ſolemnly ſwear (or affirm as the caſe may be) that I will not aſk or demand directly or indirectly, from any perſon paſſing through the ſaid turnpike, any greater tollage than is by law directed. *So help me God.*—And if the keeper of ſaid turnpike ſhall violate this oath directly or indirectly, he ſhall ſuffer the ſame pains and penalties as for wilful and corrupt perjury.

Sec. 3. *Be it enacted,* That the keeper of ſaid turnpike, may demand and receive from each perſon paſſing through the ſame, the following toll, to wit—For each waggon, team and load, fifty cents.—Each four wheel pleaſure carriage, one hundred cents.—Each chair and driver, fifty cents—Each cart and load, twenty five cents.—Each man and horſe, ſix and one fourth cents—Each pack horſe, four and an half cents—Eeach ſingle horſe, three cents.

Sec 4 *Be it enacted,* That the ſaid commiſſioners before entering on the duties of their appointment, ſhall take and ſubſcribe the following oath, before two juſtices of the county of Grainger, to wit: *I, A. B.* do ſwear (or affirm as the caſe may be) that I will do equal and impartial juſtice to the public, to the beſt of my ſkill and knowledge—*So help me God.*

Sec. 5. *Be it enacted,* That if any perſon ſhall arbitrarily or clandeſtinely paſs the ſaid turnpike within one half mile, in order to evade the payment of the toll preſcribed by this act, he, ſhe, or they ſhall forfeit and pay the ſum of five dollars for every ſuch offence to the keeper of the ſaid turnpike, recoverable by action of debt, before any juſtice of the peace in this ſtate having cognizance thereof: *Provided nevertheleſs,* That if any perſon living within four miles of ſaid road, ſhall chooſe to work thereon three days in each and every year, that he, his family and property, ſhall have the privilege of paſſing and repaſſing the ſaid turnpike, without being ſubject to pay the toll as by this act directed; the ſaid keeper giving ſaid perſons three days previous notice of the time and place he wiſhes him or them to work road.

CHAP. LXXV.

An ACT *to amend and continue in force an act paſſed at Knoxville, on the 17th day of October, 1797, for the regulation of Knoxville.*—(PASSED OCTOBER 29, 1801.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That an election for commiſſioners for Knoxville, ſhall be held on the firſt Saturday in January next, and that all future elections for commiſſioners for Knoxville, ſhall be held on the firſt Saturday of January, every two years, under the ſame rules, regulations and penalties contained in the before mentioned act.

Sec 2 *Be it enacted,* That the commiſſioners ſhall have power to make ſuch rules and regulations as they may deem neceſſary for the good order of the ſaid town, and the preſervation of the health of the citizens thereof.

Sec. 3 *Be it enacted*, That the commiſſioners ſhall have power, when any citizen or other perſon ſhall break or diſobey any of the rules or regulations which they ſhall make as aforeſaid, to levy and collect for each offence, a fine not exceeding fifty cents; and if a ſlave ſhall break or diſobey any of the rules or regulations which ſhall be made as aforeſaid, ſuch ſlave ſhall by order of the commiſſioners, receive puniſhment at the public whipping poſt, according to the nature of the offence, which ſhall not at any time, or for the ſame offence, exceed twenty laſhes.

Sec. 4 *Be it enacted* That all fines and forfeitures which ſhall be levied and collected under this act, ſhall be appropriated to the uſe of the town.

Sec 5. *Be it enacted*, That the act paſſed at Knoxville, on the ſeventeenth day of October, 1797, for the regulation of Knoxville, except the parts amended and altered in this act, ſhall continue in force and uſe: Provided, ſuch rules or regulations ſhall not be in force, until the ſame ſhall have been publiſhed twice in the Knoxville Gazette, and if there be no ſuch Gazette, then twice on the court houſe door at Knoxville.

Sec 6. *Be it enacted*, That all fines laid by the commiſſioners ſhall be collected in the ſame manner as deſcribed by the act paſſed in the year 1797, for collecting of fines and taxes, and that the ſaid commiſſioners be authoriſed to employ and pay a perſon to inflict puniſhment, and act as patrole for the uſe of the town.

Sec. 7. *Be it enacted*, That ſo much of the ſixth ſection of the above recited act, as impoſes a ground rent of twenty five cents on each ſquare yard, is hereby repealed, and in future the aforeſaid commiſſioners ſhall have full power to make ſuch alteration in the aforeſaid plan of ſaid town, or do ſuch things as will be equitable and right, ſo as to do juſtice to the proprietors of any encroachments heretofore made; and any alteration or ſale made under this act, the monies ariſing therefrom, to be applied to the uſe of the town.

CHAP. LXXVI.

AN ACT *for the regulation of the town of Naſhville.* PASSED NOV. 10, 1801.

Sec. 1 BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That it ſhall be the duty of the ſheriff of Davidſon county, or his deputy, to open an election at the court houſe in Naſhville, at twelve o'clock on the firſt Saturday in April next, having previouſly advertiſed the ſame ten days on ſaid court houſe door, for the purpoſe of electing, by ballot, ſeven ſuitable perſons to act as commiſſioners for ſaid town, in which election every perſon poſſeſſing a lot, or having been ſix months a reſident immediately preceding ſaid election, ſhall be entitled to vote; and no perſon ſhall be eligible to the office of commiſſioner, unleſs he then be, and ſhall have been ſix months an inhabitant immediately preceding ſaid election, and alſo proprietor of a lot in ſaid town

Sec 2 *Be it enacted*, That the ſaid commiſſioners before they enter upon the duties of their office, ſhall take the following oath: I, A B. do hereby ſwear, (or affirm as the caſe may be) that I will faithfully execute and diſcharge the office of commiſſioner of the town of Naſhville, to the beſt of my knowledge and abilities. *So help me God.*

Sec. 3. *Be it enacted*, That a majority of ſaid commiſſioners ſhall conſtitute a quorum; and whenever vacancies ſhall happen by death, removal from town, or otherwiſe, a notice thereof, ſigned by the intendant and clerk ſhall be delivered to the ſheriff, who, or his deputy, ſhall proceed as ſoon as may be required, to hold an election to ſupply ſuch vacancy in the manner in this act directed.

Sec. 4. *Be it enacted,* That ſaid commiſſioners ſhall chooſe from their own body, a ſuitable perſon to preſide at their meetings, who ſhall be known by the appellation of indtendant They ſhall alſo appoint a treaſurer and clerk; and ſaid treaſurer ſhall keep a regular and juſt account of all monies received and paid out by him, in a bound book kept for that purpoſe, which ſaid book with the monies then in the treaſury, and other papers appertaining to ſaid office, he ſhall deliver up to his ſucceſſor. And the clerk ſhall keep in a bound book kept for the purpoſe, a true and regular account of the proceedings of ſaid commiſſioners, and ſhall advertiſe the rules and regulations by them adopted, whenever they may deem it neceſſary.

Sec. 5. *Be it enacted,* That ſaid commiſſioners ſhall have power to call on all the inhabitants in ſaid town who would be liable to work on roads, to work on and keep in repair the ſtreets, to appoint an overſeer thereof, who ſhall collect ſuch fines from thoſe who refuſe or neglect to work as are directed in ſimilar caſes reſpecting roads—to prevent ſwine belonging to any inhabitant of ſaid town from running at large; or if they think proper to authoriſe any perſon to kill or deſtroy ſuch ſwine ſo running at large: *Provided,* that no act of ſaid commiſſioners to this effect, ſhall be in force, unleſs it be firſt advertiſed at leaſt twenty days at the court houſe in ſaid town—to prevent negroes from hiring their time or keeping tipling houſes—to prevent encroachments on the ſtreets, or burials in the public ſquare, and to abate or remove all nuiſances whatſoever, at the expence of the party occaſioning them—to appoint a ſurveyor for ſaid town, who ſhall, whenever directed, proceed to ſurvey and deſignate the lots, by fixing a ſtone, or ſome other laſting monument at the corner of each; he ſhall alſo make or cauſe to be made out a plan or map of ſaid town on a large ſcale, in which ſhall be marked the number of each lot and the name of the perſon who originally poſſeſſed the ſame which ſaid plan he ſhall depoſit with the ſaid commiſſioners—to cauſe to be built a market houſe on ſome ſuitable part of the public ſquare, the ſituation of which ſhall be at leaſt fifty feet from any private lot, and ſaid market houſe ſhall be well ſupported by durable ſtone or brick pillars—And to enable ſaid commiſſioners to carry into effect the proviſions of this act,

Sec. 6. *Be it enacted,* That they ſhall have power and are hereby directed to lay a tax annually, not exceeding on each hundred dollars worth of town property which they are to eſtimate, fifty cents; on each white poll, not exceeding fifty cents; on each black poll, not exceeding one dollar; on each billiard table, not exceeding five dollars; which ſaid tax ſhall be collected by warrant under the hands and ſeals of the intendant and clerk, and directed to the collector whom they may appoint, who is to be governed by the rules and regulations eſtabliſhed by law for collecting and accounting for the ſtate tax

Sec. 7. *Be it enacted,* That ſaid commiſſioners ſhall annually appoint one of their own body to receive liſts of the taxable property of ſaid town at the time and place when and where the inhabitants ſhall give in for the ſtate tax; and any perſon or perſons failing or neglecting to give in to ſaid commiſſioner, upon his reporting the ſame, ſhall be liable to the fines and penalties directed by law in ſimilar caſes for the collection of the ſtate tax.

Sec 8 *Be it enacted*, That no appropriation of money ſhall be made by ſaid commiſſioners except for the benefit or improvement of ſaid town, agreeably to the directions of this act, or for defraying expences neceſſarily ariſing from the carrying the ſame into execution ; and it is not to be underſtood, that ſaid commiſſioners are to receive any compenſation for their ſervices.

Sec. 9 *Be it enacted*, That where recoveries are not provided for by this act, it ſhall be lawful for ſaid commiſſioners to ſue for the ſame before any authority having cognizance thereof.

C H A P. LXXVII.

AN ACT *to amend an act, entitled*, " An act to amend an act, eſtabliſhing a town on Cumberland river, at a place called the Bluff, near the French Lick, and for other purpoſes," paſſed at Knoxville in the year 1796—(PASSED NOVEMBER 15, 1801.)

WHEREAS the above recited act authoriſed the laying off a water ſtreet, lots, &c and appointed additional commiſſioners for the regulation of ſaid town: Therefore.

BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the ſaid commiſſioners ſo added, viz. Howell Tatom, Richard Croſs, William Tate, and William Black or a majority of them, be, and they are hereby required and directed without delay, to make out, execute deeds of conveyance, to the proprietors of ſaid lots ſo laid out and ſold by virtue of the above recited act, and for which ſervice, the ſaid commiſſioners may aſk, demand, and receive, for each deed ſo made, the ſum of one dollar, which deed ſhall be good and valid both in law and equity againſt the claim and demand of all and every perſon or perſons whatſoever, any law, uſage, or cuſtom to the contrary notwithſtanding.

C H A P. LXXVIII.

AN ACT *to eſtabliſh the town of Rutledge, in the county of Grainger, and to make valid all deeds already made, or hereafter to be made by the acting commiſſioners of ſaid town, to the purchaſers of lots in the ſame, and alſo to confirm their contracts for the purpoſe of erecting a court houſe, priſon and ſtocks in ſaid town, and alſo to compenſate ſaid commiſſioners for their trouble and expence.* (PASSED OCT. 29 1801.

WHEREAS by an act of the general aſſembly, paſſed at Knoxville, in the year of 1799 entitled, " An act appointing commiſſioners to fix on a place to build a court houſe, priſon and ſtocks in the county of Grainger, and to lay off a town thereon."—And whereas the ſaid commiſſioners have agreed and fixed on a place in ſaid county on the public road leading from Knoxville to Hawkins court houſe in the Richland Valley, on the lands of Thomas M Broom and Daniel Clayton, for the purpoſe of erecting a court houſe, priſon and ſtocks, as directed by the ſaid act, at which place the ſaid commiſſioners have purchaſed twenty two acres and three quarters of land, on which they have laid off a town agreeably to the directions of the ſaid act, known by the name of Rutledge, a plan of which is filed in the clerk's office for ſaid county. And whereas the ſaid commiſſioners have expoſed to ſale the lots in ſaid town, and did ſell them, and have given their obligations to the purchaſers reſpectively, binding themſelves to make titles for the ſame; and have alſo taken obligations from the purchaſers to ſecure the purchaſe money, and have made and executed deeds of conveyance for a number of the lots, and alſo have contracted with Francis Mayberry, to erect and build a court houſe, in ſaid town, and alſo with Jonathan Williams, to erect and build a priſon and ſtocks in ſaid town:

Sec. 1. *Be it enacted by the General Aſſembly of the State of Tenneſſee,* That the ſaid twenty two acres and three quarters of land ſhall continue to be a town, agreeable to the plan of the ſaid commiſſioners, filed in the clerk's office for ſaid county of Grainger, by the name of Rutledge, and that all deeds heretofore made, or hereafter to be made by ſaid commiſſioners for any of the lots in the ſaid town, and all the contracts which they have made, or hereafter may make, for the purpoſe of erecting and completing the public building in ſaid town, are hereby declared to be good and valid in law and equity, any law to the contrary notwithſtanding.

Sec. 2 *Be it enacted.* That the ſaid commiſſioners are hereby authoriſed and required, as ſoon as may be, after collecting the monies ariſing from the ſale of the ſaid lots, to pay and diſcharge all their contracts which they have entered into, and may hereafter enter into as commiſſioners for the purpoſe of completing the ſaid town and erecting the public buildings thereon.

Sec. 3. *Be it enacted,* That as ſoon as the ſaid commiſſioners have diſcharged the above mentioned contracts, they are hereby required to pay into the county treaſury, all monies in their hands ariſing from the ſales of ſaid lots, after paying themſelves the ſum of two dollars for each day that they may have been employed in diſcharging the duties of their appointment.

Sec. 4 *Be it enacted,* That all laws or parts of laws coming within the purview and meaning of this act, are hereby repealed and made void.

CHAP. LXXIX

AN ACT *to eſtabliſh a town by the name of Peggiesville on the lands of James Pickens, in lower end of Sullivan county.*—(PASSED OCT. 29, 1801.)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That a town be eſtabliſhed on the lands of James Pickens, in the lower end of Sullivan county, to conſiſt of thirty lots, one quarter of an acre each, to be laid out in proper ſtreets and allies, under the direction of James Pickens, who is hereby declared a commiſſioner for laying out and regulating the ſaid town, which town ſhall be called and known by the name of Peggiesville.

Sec. 2. *Be it enacted,* That this act ſhall be in force, from and after the paſſing thereof.

CHAP. LXXX.

AN ACT *appointing commiſſioners for regulating the town of Grantſborough in the county of Anderſon*—(PASSED NOV. 13, 1801)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That James Grant, William Hancock, ſenior, Edward Scott, Jenkin Whiteſide, Charles Lee Bird, Walter Evans, and Shadrach Reedy are now appointed acting commiſſioners for the town of Grantſborough, in Anderſon county.

Sec. 2. *Be it enacted,* That the ſaid commiſſioners ſhall and may take upon themſelves the regulation and management of ſaid town, having regard to the manner and from the ſaid town hath heretofore been laid out by the former commiſſioners, by law appointed for that purpoſe.

Sec. 3. *Be it enacted*, That from and after the paſſing of this act, the commiſſioners aforeſaid ſhall be, and they and every of them are hereby conſtituted directors and truſtees for the deſigning, building, and improving the town aforeſaid; and they, or a majority of them ſhall have power to meet as often as they may think neceſſary, for all purpoſes contemplated in this act.

Sec. 4. *Be it enacted*, That the ſaid commiſſioners, or a majority of them, ſhall cauſe the ſtreets of ſaid town to be kept open and in good repair, provided they call on none but the owners of lots, their agents or attornies, or inhabitants of ſaid town for that purpoſe; and ſaid commiſſioners, or a majority of them, ſhall have power to exerciſe their authority as regulators of ſaid town, in all reſpects whatever; and it ſhall be the duty of ſaid commiſſioners to lodge a plan of ſaid town, as laid out, in the clerk's office of Anderſon county, when the ſaid court ſhall be organized, whoſe duty it ſhall be carefully to preſerve the ſame for the inſpection and benefit of the owners of lots in ſaid town.

Sec 5. *Be it enacted*, That in caſe of death, removal, or refuſal to act, any of the ſaid commiſſioners, the ſurvivors, or a majority of them ſhall aſſemble, and are hereby authoriſed to nominate, by inſtrument in writing under their hands ſome other perſon, being of lawful age, and owner of lot or lots in ſaid town, or an inhabitant of Anderſon county, in the room and place of him ſo dead, removing or refuſing to act, which ſaid commiſſioner or commiſſioners, ſo appointed, ſhall have and exerciſe the ſame power and authority in all matters herein contained as the perſon or perſons in whoſe room and ſtead he or they was ſo appointed, had or exerciſed.

CHAP. LXXXI.

AN ACT *to authoriſe the appointment of additional commiſſioners for the town of Maryville* —(PASSED NOVEMBER 10, 1801)

WHEREAS William Wallace, one of the commiſſioners appointed by law for the town of Maryville, in the county of Blount, is deceaſed ſince the time of his appointment:

Sec 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That John Lowry, (merchant) John Montgomery, (merchant) and Andrew Thompſon, are hereby appointed commiſſioners to fill the vacancy, and in addition to the former commiſſioners; and upon any other vacancy happening by death, reſignation, or removal, the court of ſaid county ſhall have power to fill ſuch vacancy, which commiſſioners appointed by this act, or by the court as aforeſaid, ſhall have as full and ample powers, as if they, or either of them, were of the original number, and any number not leſs than three, ſhall conſtitute a quorum to do any buſineſs relative to ſaid town of Maryville, within their original authority.

Sec. 2. *Be it enacted*, That the ſaid court ſhall have full power and authority from time to time, as often as it ſhall be neceſſary, to call the ſaid commiſſioners to account, and in the name of the chairman of the ſaid court, to inſtitute and proſecute a ſuit or ſuits againſt the ſaid commiſſioners, or either of them, for any neglect or miſconduct in their duty, or for any ſum or ſums of money in their or either of their hands, or by them, or either of them, in any way miſapplied; and all ſums of money, or balances in the hands of the ſaid commiſſioners, or either of them, that ſhall be recovered againſt them, or either of them, ſhall be directed by the ſaid court to be paid into the treaſury of ſaid county, to be diſpoſed of under the direction of ſaid court, for the purpoſe of building or repairing public building in ſaid town of Maryville.

CHAP. LXXXI.

AN ACT *authoriſing the inhabitants ſouth of Holſton river in the lower end of Sullivan county, to hold ſeparate elections and general muſters, at ſuch place as therein mentioned*—(PASSED NOVEMBER 13, 1801)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That it ſhall and may be lawful for the inhabitants of the lower end of Sullivan county, that live ſouth weſt of the river Holſton, in the bound ſof capt. Allen's and capt. Hannah's old companies, to meet & hold elections for governor, repreſentative or repreſentatives to congreſs, and members of the general aſſembly, at the houſe of Walter James's.

Sec. 2. Be *it enacted,* That it ſhall and may be lawful for the coroner or deputy ſheriff of the county of Sullivan, to open and hold an election at the houſe aforeſaid, for the purpoſe of electing a governor, repreſentative or repeſentatives to the congreſs of the United States, and members to the general aſſembly of this ſtate, on the days pointed out by the conſtitution and laws of this ſtate, and ſubject to the rules and reſtrictions therein preſcribed; and receive the ballots of the perſons entitled to vote in ſaid bounds, under the rules and reſtrictions for holding elections in this ſtate, and the ballots ſo taken and ſealed up and tranſmitted to the court houſe of ſaid county, on the ſucceeding day of ſaid election, under the directions of the coroner or deputy ſheriff, which ballots ſo taken, ſhall be counted out by the ſheriff holding ſaid election at the court houſe, and are hereby declared to be a part of the election of ſaid county of Sullivan, any law to the contrary notwithſtanding.

Sec. 3 Be *it enacted,* That if any perſon ſhall vote at both of the aforementioned places for holding elections and general muſters, on due proof thereof, he ſhall forfeit and pay the ſum of ten dollars, to be recovered before any juriſdiction having cognizance thereof, the one half to the uſe of the county, the other half to the uſe of the perſon who will ſue for the ſame.

Sec. 4. *Be it enacted,* That the inhabitants aforeſaid, ſhall hold general muſters at the place herein appointed by law for holding elections, and it ſhall be the duty of the commanding officer of ſaid county, to appoint and notify one of the majors to attend ſaid muſters as by this act directed.

Sec. 5. Be *it enacted,* That it ſhall and may be lawful for any five or more of the commiſſioned officers attending each and every general muſter ſouth of ſaid river, to hold a court martial on the day next ſucceeding the general muſter, and the major attending them ſhall preſide over the ſame. *Provided,* That the right of appeal to a regimental court martial of the county of Sullivan ſhall be had by any perſon who ſhall think themſelves aggrieved within ſix months after ſuch ſentence being paſſed, and the perſon aggrieved ſhall make application to the major preſiding in ſaid court martial, for a tranſcript of the cauſe of the fine, which the judge advocate ſhall make out and atteſt the ſame, and deliver to the major commanding, who ſhall deliver it to the colonel commandant, whoſe duty it ſhall be to have the appeal tried the firſt regimental court martial held for ſaid county.

Sec. 6. *Be it enacted,* That the general muſters and courts martial directed to be held by this act, ſhall be held under the ſame rules and reſtrictions as are by law directed for holding general muſters and courts martial within the ſeveral counties in this ſtate, and it ſhall be the duty of the major attending the ſame, to receive the company returns, and tranſmit them to the commanding officer of the county, as ſoon as may be.

Sec. 7. *Be it enacted,* That this act ſhall not be in force until the firſt day of January, 1802.

CHAP. LXXXIII.

An ACT *to amend an act, entitled,* "An act authoriſing the field officers of Jefferſon county to hold ſeparate general muſters in each and every year, at the houſe of Maj. Robert M'Farland, to conſiſt of Captain Lane's, Damaron's, M'Donnel's and Vanſhear's companies," *paſſed at Knoxville, October the 26th.* 1799 —(PASSED NOVEMBER 10, 1801.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That it ſhall and may be lawful for the inhabitants living within the bounds of the battalion deſcribed in the above recited act, to hold at their ſaid battalion muſter ground, ſeparate elections for governor, repreſentative or repreſentatives to congreſs, and members of the general aſſembly.

Sec. 2. *Be it enacted,* That it ſhall and may be lawful for the coroner or deputy ſheriff of the county of Jefferſon, to open and hold an election at the place above deſcribed for holding ſaid battalion muſters, for the purpoſe of electing a governor, repreſentative or repreſentatives to congreſs, and members of the general aſſembly of this ſtate, on the days pointed out by law, ſubject to the rules, regulations and reſtrictions therein preſcribed, & ſhall receive the ballots of the perſons entitled to vote in ſaid bounds, under the rules and regulations as preſcribed for holding elections in this ſtate; and the ballots ſo taken and counted out in the preſence of the inſpectors, ſhall be ſealed up and tranſmitted to the place by law appointed for counting the votes for ſenator, for the counties of Jefferſon and Cocke, under the directions of the ſaid coroner or deputy ſheriff, which ballots ſo taken, ſhall be then and there added by the ſheriff of the county of Jefferſon, to the poll taken at the court houſe or place of holding court in ſaid county, and are hereby declared to be a part of the election of ſaid county of Jefferſon, any law to the contrary notwithſtanding.

Sec. 3. *Be it enacted,* That no citizen living within the bounds of ſaid battalion ſhall vote at the court houſe of ſaid county of Jefferſon, under the penalty of ten dollars; nor ſhall any citizen, who is entitled to vote at ſaid court houſe, vote at ſaid battalion election, under the like penalty, to be recovered before any juriſdiction having cognizance thereof, one half to him who will ſue for the ſame, the other half to the uſe of the county.

Sec. 4. *Be it enacted,* That this act ſhall be in force from and after the firſt day of January next.

CHAP. LXXXIV.

An ACT to authoriſe the regiment of Cocke county to hold general muſters at the plantation of John Gilliland, deceaſed—(PASSED NOVEMBER 13, 1801.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That the regiment of Cocke county ſhall hold general muſters at the upper end of the plantation whereon the widow of John Gilliland, deceaſed, now lives, on the days that are or may be appointed for holding general muſters.

Sec. 2. *Be it enacted*, That the officers of ſaid regiment ſhall hold courts martial at the court houſe of ſaid county, on the days that are or may be appointed for holding courts martial in ſaid county, any law, uſage or cuſtom to the contrary notwithſtanding.

CHAP. LXXXV.

An ACT *authoriſing the inhabitants in the lower end of Montgomery county to hold ſeparate general muſters and elections, at the place herein after mentioned.*—(PASSED NOVEMBER 6. 1801.)

WHEREAS it has been repreſented to this general aſſembly that the ſituation of the inhabitants in the lower end of Montgomery county, renders it extremely inconvenient for them to attend general muſters and elections in the town of Clarkſville: For remedy whereof,

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That from and after the paſſing of this act, it ſhall be lawful for the companies of captain Brimſon, captain Davidſon, captain Thomas, and captain Brigham, to hold general muſters in the town of Palmyra, at the times that now are, or which hereafter may be eſtabliſhed by law; and it ſhall be the duty of the commanding officer of ſaid county, to appoint and notify one of the majors of ſaid county, to attend ſaid muſters, as by this act directed.

Sec. 2 *Be it enacted*, That it ſhall be lawful for five or more of the commiſſioned officers attending each muſter by this act directed to be held to hold courts martial on the day next ſucceeding ſuch muſter, and the major attending them ſhall preſide over the ſame: *Provided*, That no ſentence or decree of ſaid court martial ſhall be final, except the delinquent agree thereto, but in all caſes the right of appeal to the regimental court martial of the county of Montgomery ſhall be had, if required.

Sec. 3. *Be it enacted*, That if the major ſo appointed, ſhall neglect or refuſe to attend and perform the duties by this act required, he ſhall, on conviction before the regimental court martial of his county, forfeit and pay a ſum not exceeding twenty dollars, to be collected, accounted for, and appropriated as other fines for ſimilar offences.

Sec. 4. *Be it enacted*, That the general muſters and courts martial directed to be held by virtue of this act, ſhall be under the ſame rules and regulations as are by law directed for holding general muſters and courts martial within the ſeveral counties in this ſtate, and it ſhall be the duty of the major attending the ſame, to receive the company returns and tranſmit them to the commanding officer of the county as ſoon as may be.

Sec. 5. *Be it enacted*, That from and after the paſſing of this act, it ſhall be lawful for the inhabitants living in the lower end of Montgomery county aforeſaid, and within the bounds of the companies of the captains aforementioned to hold elections for governor, repreſentative or repreſentatives to congreſs and members of the general aſſembly of this ſtate, in the town of Palmyra aforeſaid, and it ſhall be the duty of the ſheriff, his deputy or the coroner of ſaid county, to hold ſaid elections, and ſome one of them is hereby authoriſed, required, and enjoined to open, hold, and conduct ſaid elections purſuant to the conſtitution and laws of this ſtate.

Sec. 6. *Be it enacted*, That the county court of Montgomery, at the firſt ſeſſion next preceding the day of election by this act eſtabliſhed, ſhall appoint three inſpectors to ſuperintend the election, who ſhall reſide within the bounds before deſcribed; and if it ſhall ſo happen that the ſaid court ſhall fail to make ſuch appointment, or any perſon ſo appointed ſhall refuſe to ſerve, they ſhall be appointed as heretofore directed by law.

Sec. 7. *Be it enacted*, That the ſheriff, deputy ſheriff, or coroner, as the caſe may be, and the inſpectors holding ſaid election, ſhall make out a fair ſtatement of ſaid electin, ſigned by the returning officer and the inſpectors, ſetting forth the number of votes each candidate ſhall have had at ſaid election; and the ſaid ſheriff, deputy ſheriff, or coroner, ſhall, on the day ſucceeding ſaid election meet the officer who ſhall preſide at the election in the town of Clarkſville, in ſaid town, to compare the votes received at each place of election, and on ſuch compariſon, the perſon or perſons having the higheſt number of votes ſhall be duly elected.

Sec. 8. *Be it enacted*, That if any perſon ſhall vote at ſaid election, and at the town of Clarkſville at the ſame election, he ſhall forfeit and pay the ſum of ten dollars, to be recovered with coſts, before any juriſdiction having cognizance thereof, one half to the uſe of the county, and the other half to the uſe of him or them who will ſue for the ſame.

CHAP. LXXXVI.

AN ACT *authoriſing and eſtabliſhing a company of light infantry in the town of Naſhville*.—(PASSED NOVEMBER 14, 1801.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That it ſhall and may be lawful for the citizens of Naſhville and its vicinity, to form themſelves into a volunteer company of light infantry which ſaid company ſhall be a part of the firſt regiment of Davidſon county.

Sec. 2. *Be it enacted*, That within one year from and after the paſſing of this act, each perſon enrolled in ſaid company, ſhall, at his own coſt and expence, provide himſelf with the uniform agreed on by a majority thereof, and ſhall alſo completely arm and accoutre himſelf, agreeable to the laws in force for the better eſtabliſhment and regulation of the militia in this ſtate, and in caſe of failure ſo to do, he ſhall forfeit and pay the ſum of five dollars, to be appropriated for procuring drums, colors and other articles neceſſary for ſaid company.

CHAP. LXXXVII.

AN ACT to eſtabliſh a regiment of cavalry in the counties of Cocke, Jefferſon, Grainger and Claiborne.—(PASSED NOV. 14, 1801.)

Section 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That from and after the paſſing of this act, the cavalry of the counties of Cocke, Jefferſon, Grainger and Claiborne, ſhall compoſe a regiment of cavalry, and ſhall be called and known by the name of the ſecond regiment of Hamilton diſtrict; and each company ſhall conſiſt of not leſs than thirty, nor more than fifty men, rank and file, to be raiſed, officered and equipped in the ſame manner and form as directed by the militia law of this ſtate, and ſhall hold general muſters at Cheek's Croſs Roads, under the ſame rules, regulations and reſtrictions as directed by law.

Sec. 2. *Be it enacted*, That from and after the paſſing of this act, the firſt regiment of cavalry for the diſtrict of Hamilton, ſhall conſiſt of the counties of Knox, Sevier, Blount, Roane and Anderſon, any law uſage or cuſtom to the contrary notwithſtanding.

CHAP LXXXVIII.

AN ACT *to amend an act, entitled,* " An act granting to the citizens of Knox county the privilege of holding ſeparate general muſters." *paſſed at Knoxville on the 26th day of October* 1799 (PASSED OCT 15, 1801.)

Section 1. *BE it enacted by the General Aſſembly of the State of Tenneſſee,* That from and after the paſſing of this act, it ſhall and may be lawful for the inhabitants living within the bounds of the different battalions, as deſcribed by the above recited act, to hold elections at their battalion muſter grounds, on the laſt Thurſday of October inſtant, and the ſucceeding day, to elect a repreſentative to repreſent this ſtate in the Congreſs of the United States; ſaid election to be held by the deputy ſheriffs or coroners of the county of Knox, and to be conducted by them under the ſame rules and reſtrictions as elections for members of the general aſſembly.

Sec. 2. B*e it enacted*, That the ſheriffs or coroner as aforeſaid, holding ſaid elections, ſhall, in the preſence of the inſpectors, count out the votes which may be taken at ſaid elections, and ſhall on the Monday ſucceeding, return the number of votes for each candidate to the ſheriff of Knox county, whoſe duty it ſhall be to add the votes for each candidate to the poll by him kept, and tranſmit the ſame as by law directed.

CHAP LXXXIX

AN ACT to authoriſe Elizabeth Carter, widow and adminiſtratrix of Landon Carter, deceaſed, to ſell and convey by deed or deeds, certain lands therein mentioned, for the purpoſe of paying certain debts due by the ſaid Landon Carter.—(PASSED NOVEMBER 10, 1801.)

WHEREAS it appears that General Landon Carter, late of the county of Carter, in his life time was indebted to a conſiderable amount, and is deceaſed, and the ſaid debts remaining unpaid, and Elizabeth Carter, widow and ſole adminiſtratrix of the goods and chattels, rights and credits of the ſaid Landon Carter, hath petitioned this general aſſembly to enact a law by which ſhe may be enabled to diſpoſe of, and convey by deeds of conveyance certain lands of the property of the ſaid Landon Carter, in his life time, for the purpoſe of paying and ſatisfying the ſaid debts: Therefore,

Sec. 1. B*E it enacted by the General-Aſſembly of the State of Tenneſſee,* it ſhall and may be lawful for the ſaid Elizabeth Carter, widow and adminiſtratrix as aforeſaid, to diſpoſe of at public or private ſale, certain lands laying on the waters of Clinch river, which were of the property of the ſaid Landon Carter, in his life time, or ſo much thereof as may be found neceſſary for the purpoſe of raiſing the ſum of three thouſand dollars, to be applied by the ſaid Elizabeth Carter to the payment of ſuch debts as were due by him in his life time, and do yet remain unpaid.

Sec. 2. *Be it enacted*, That if the ſaid lands laying on the waters of Clinch river, cannot be ſold as in this act before mentioned, then and in that caſe, it ſhall and may be lawful for the ſaid Elizabeth Carter, widow and adminiſtratrix as aforeſaid, to ſell and diſpoſe of at public or private ſale, ſo much of the lands laying on the waters of Cumberland river, which were of the property of the ſaid Landon Carter, in his life time, as may be found neceſſary for the purpoſe of raiſing the aforeſaid ſum of three thouſand dollars, or ſo much thereof as may remain to be raiſed after diſpoſing of the lands on the waters of Clinch river, and the monies ariſing from the ſale of ſaid lands on the waters of Cumberland river, ſhall, be applied in the ſame manner as the monies ariſing from the ſale of the lands laying on the waters of Clinch river.

Sec. 3. Be *it enacted*, That if the ſaid lands laying on the waters of Clinch and Cumberland rivers, cannot be ſold as in this act before mentioned, then and in that caſe, it ſhall and may be lawful for the ſaid Elizabeth Carter, widow and adminiſtratrix as aforeſaid, to ſell a certain tract of land laying on the waters of Stoney creek, in Carter county, which was of the property of the ſaid Landon Carter, in his life time, for the purpoſe of raiſing the aforeſaid ſum of three thouſand dollars, or ſo much thereof as ſhall remain to be raiſed after diſpoſing of the lands on the waters of Clinch and Cumberland rivers, and the monies ariſing from the ſale of the ſaid tract of land laying on the waters of Stoney creek, ſhall be applied in the ſame manner as the monies ariſing from the ſale of the lands on the waters of Clinch and Cumberland rivers. *Provided always*, That this act ſhall not be conſtrued ſo as to authoriſe and empower the ſaid Elizabeth Carter, widow and adminiſtratrix as aforeſaid, to ſell and diſpoſe of lands which were of the property of the ſaid Landon Carter, in his life time, to a greater amount than three thouſand dollars, as aforeſaid.

Sec. 4. *Be it enacted*, That the ſaid Elizabeth Carter, widow and adminiſtratrix as aforeſaid, ſhall not ſell and diſpoſe of any tract of land by virtue of the powers given her by this act, for a leſs ſum of money than the guardians of the children of the ſaid Landon Carter, deceaſed, ſhall conſent and agree for the ſame to be ſold for, and the court of the county of Carter is hereby authoriſed and required to appoint three ſuitable and fit perſons for that purpoſe.

Sec. 5. Be *it enacted*, That it ſhall and may be lawful for the ſaid Elizabeth Carter, adminiſtratrix as aforeſaid, to convey by deeds of conveyance ſuch, or as many of the before mentioned tracts of land, as ſhe may ſell and diſpoſe of, for the purpoſes before mentioned, to the purchaſer or purchaſers; which deeds of conveyance ſo made, being duly proven or acknowledged, and regiſtered agreeably to law ſhall forever after be held, deemed, and taken, and adjudged and decreed to be good and valid and ſufficient, both in law and equity, to paſs and convey all the right of property, of, in, and to the tracts of land ſo ſold and diſpoſed of, to the purchaſer or purchaſers, with the fee ſimple eſtate thereof, to all intents and purpoſes, any law to the contrary in any wiſe notwithſtanding

---

CHAP. XC.

AN ACT to exonerate William Donaho and Griffith Rutherford, from a fine and double tax, in the county of Wilſon.—(PASSED NOVEMBER 11, 1801)

WHEREAS the aforeſaid William Donaho and Griffith Rutherford, have been ſubjected to a fine and double tax, on tracts of land in the aforeſaid county of Wilſon, by their agents, or through the negligence of the juſtice to whom ſuch returns ſhould have been made, and judgment having been entered up, and execution iſſued for the ſame,

Section 1 *BE it enacted by the General Aſſembly of the State of Tenneſſee*, That the aforeſaid William Donaho, ſhall be, and is hereby exonerated from paying a fine and double tax entered up againſt him, the ſaid Donaho by the court of Wilſon county, he, the ſaid Donaho, paying all neceſſary coſts and charges accruing thereon, any thing to the contrary notwithſtanding.

Sec 2 *Be it enacted*, That Griffith Rutherford ſhall be, and is hereby releaſed from a fine and double tax incurred in the county of Wilſon, by not returning his taxable property within ſaid county, Provided, he pays all coſts and charges thereon, together with the ſingle tax due on ſaid property, any law to the contrary notwithſtanding.

CHAP. XCI.

AN ACT *to amend an act, entitled,* "An act making compenſation to Henry Conway" *paſſed at Knoxville in the year of* 1799.—(PASSED OCTOBER 29. 1801.)

WHEREAS by the aforeſaid act, Henry Conway was allowed the ſum of thirty eight dollars and twenty eight cents: And whereas no mode was pointed out for drawing the ſaid ſum,

Be it enacted by the General Aſſembly of the State of Tenneſſee, That the governor for the time being, is hereby authoriſed and required to iſſue his warrant upon either of the treaſurers of this ſtate, for the ſum of thirty eight dollars and twenty eight cents, in favor the aforeſaid Henry Conway, which warrant ſhall be a ſufficient voucher in the ſettlement with the treaſury department.

CHAP. XCII.

AN ACT *to alter the names of certain perſons therein mentioned.* —(PASSED OCTOBER 29 1801.)

WHEREAS Mark Brown Sappington and Robert Searcy, having requeſted this general aſſembly to alter the names of their illegitimate children, to wit, the name of Fanny Lucas, to that of Fanny Sappington, and the name of Robert Eaſtin Chapman, to that of Robert Eaſtin Searcy,

BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That from and after the paſſing of this act, that the name of Fanny Lucas is hereby altered and changed to that of Fanny Sappington, and that ſhe, the ſaid Fanny Sappington, ſhall in all reſpects, both in law and equity, be upon an equal footing with the ſaid Mark Brown Sappington's other children, and ſhall be entitled to all the advantages that ſhe the ſaid Fanny Sappington poſſibly could be, provided ſhe had been born in wedlock—And that the name of Robert Eaſtin Chapman ſhall be altered to that of Robert Eaſtin Searcy, and that he the ſaid Robert Eaſtin Searcy, ſhall, in all reſpects, both in law and equity, be upon an equal footing with the other children of the ſaid Robert Searcy which have been, or may be born in wedlock, any law, uſage or cuſtom to the contrary notwithſtanding

CHAP. XCIII.

AN ACT *to emancipate and ſet free a negro man, named Bob.* (PASSED NOV 10, 1801)

WHEREAS Robert Searcy, eſquire, of Naſhville, having made known to this general aſſembly, that he, ſome time ago, purchaſed ſaid negro man Bob, ſold under an execution, and that the ſaid negro hath ſince, by his induſtry, reimburſed the purchaſe money, in conſequence whereof, he prays that he may be emancipated and forever ſet free

BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That the ſaid negro man Bob ſhall be, and he is hereby emancipated and forever ſet free, to all intents and purpoſes whatever, and ſhall in future be known by the name of Robert Renfro.

CHAP. XCIV.

AN ACT *making compenſation to the members, clerks and door keepers of the general aſſembly, and for defraying other contingencies.*(—PASSED NOVEMBER 14, 1801)

Sec. 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That each member ſhall receive one dollar and ſeventy five cents, for each day he ſhall have attended the general aſſembly, and the ſame for every twenty five miles he ſhall travel going to, and returning from the ſame.

Sec. 2. *Be it enacted,* That each principal clerk of the general aſſembly, ſhall be allowed the ſum of three dollars per day for their ſervices, and that three dollars per day be allowed for each aſſiſtant clerk, and a further allowance be made for ſtationary, to Edward Scott, twenty dollars, to Stephen Heard, twenty dollars, to George Roulſtone, twenty dollars, and to Nathaniel B Buckingham, twenty dollars.

Sec. 3. *Be it enacted,* That each door keeper ſhall be allowed two dollars for each day he ſhall have attended on the general aſſembly.

Sec 4 *Be it enacted,* That the ſum of twelve dollars and thirteen cents, be allowed Samuel Hindman, (door keeper) for fire wood, candles, &c. furniſhed both houſes of the general aſſembly.

Sec. 5. *Be it enacted,* That the ſum of forty dollars be allowad Robert Craighead for five tables, ſixteen firms, furniſhed both houſes of the general aſſembly.

Sec. 6. *Be it enacted,* That the ſum of ſixty one dollars, be allowed George Roulſtone, for ſundry printing, as per vouchers filed in the ſecretary's office.

Sec 7. *Be it enacted,* That the ſecretary of ſtate is hereby required to number the pages of the laws and journals to be printed and publiſhed by George Roulſtone, conſiſtent with his contract with the general aſſembly, as appears on the journals, & on his producing the receipt of David Deaderick, William Maclin, and Robert Searcy, the governor is hereby required to iſſue a warrant to the treaſurer of either of the diſtricts, to pay the ſaid Roulſtone, ſuch ſum of money as ſhall appear due conſiſtent with the aforeſaid contract.

Sec. 8. *Be it enacted,* That William Maclin ſhall be allowed the ſum of eighty three dollars, as full compenſation for ſtationary furniſhed by him for the uſe of the governor, and the office of ſecretary of ſtate, and poſtage paid on public papers up the this general aſſembly.

Sec 9. *Be it enacted,* That John Sevier, eſq. late governor of this ſtate, be allowed three hundred and ſeventy five dollars, being the balance due of his ſix years ſalary, as governor; and the governor for the time being is hereby required to draw a warrant in his favor, on either of the public treaſurers for that ſum.

WILLIAM DICKSON, S. H. R.
JAMES WHITE, *Speaker of the Senate.*

A Copy, Teſte,

WILLIAM MACLIN, *Secretary.*

STATE OF TENNESSEE,

IN GENERAL ASSEMBLY,

OCTOBER 16, 1801.

WHEREAS ſundry evil minded perſons, regardleſs of their duty towards their juſt creditors, as alſo the obligations they owe to ſociety, and in defiance of the laws of this ſtate, have, in ſundry inſtances, taken refuge within the territorial limits alloted to the Cherokee Indians; and the former laws not being ſufficiently coercive to reſtrain or puniſh ſuch offenders, either in criminal or civil caſes, the legiſlature therefore, have thought it politically juſt, to prevent in future ſuch contemptuous and violent attacks upon the adminiſtration of juſtice, by extending civil juriſdiction within the territory aforeſaid. Such having been the motives which gave riſe to the act of extenſion, it is ſcarcely preſumable that any inferrence can be drawn, ſo as to authoriſe even the moſt abandoned character to commit an infraction upon the treaty or laws of the United States. Nevertheleſs, to forecloſe miſconſtruction, it is,

RESOLVED, That if any of the citizens of this ſtate, or any of the United States, under any pretended right whatſoever, enter upon, occupy, or poſſeſs, any of the lands laying within the Indian boundary, or commit any offence againſt the laws of this ſtate, or of the United States, ſuch offender or offenders, are, in the opinion of this legiſlature, proper, ſubjects of the penal laws, and ought to receive exemplary puniſhment.

WILLIAM DICKSON,

Speaker of the Houſe of Repreſentatives.

JAMES WHITE,

Speaker of the Senate.

STATE OF TENNESSEE.

IN GENERAL ASSEMBLY,

NOVEMBER 14 1801.

RESOLVED, That the governor be requeſted to draw up and forward to the ſenators and repreſentative of this ſtate in Congreſs, ſuch inſtructions as he may deem neceſſary and conſiſtent with the act paſſed this ſeſſion of the general aſſembly, entitled, “ An act to appoint agents to ſettle the diſpute exiſting between this ſtate and the United

States, relative to the vacant and unappropriated lands within this ſtate, and to procure the relinquiſhment of the claim of the United States to the ſame."

WILLIAM DICKSON,

Speaker of the Houſe of Repreſentatives,

JAMES WHITE,

Speaker of the Senate.

STATE OF TENNESSEE,

IN GENERAL ASSEMBLY,

NOVEMBYR 14, 1801.

RESOLVED, That Knoxville be and remain the ſeat of government until the end of the next General Aſſembly, and until otherwiſe provided for by law.

WILLIAM DICKSON,

Speaker of the Houſe of Repreſentatives.

JAMES WHITE,

Speaker of the Senate.

STATE OF TENNESSEE,

IN GENERAL ASSEMBLY,

NOVEMBER 14, 1801.

RESOLVED, That the books of pre-emptions and guard rights now in the poſſeſſion of Andrew Ewing be depoſited in the hands of Nathan Ewing, of Davidſon county, there to remain until otherwiſe provided for by law.

WILLIAM DICKSON,

Speaker of the Houſe of Repreſentatives;

JAMES WHITE,

Speaker of the Senate.

INDEX.

☞ *The letter* ſ *the ſection, the letter* p *the page; references to "Acts and Ordinances" may be found preceding the body of the Laws.*

A.

ABSENTEES, where huſband or wife of, has married, to have their election whether the marriage ſhall be diſſolved in certain caſes ſ 3 p 196
ACADEMIES, *See Colleges.*
ACCOUNTS, how to be kept p 171
ACTIONS, of aſſault and battery, ſlander, &c. to be commenced in county courts p 153
ACTS AND RECORDS, See ſecretary of ſtate p 71
——private act may be given in evidence p 247
ADMINISTRATION, letters of, iſſued under the authority of the ſtate of Franklin confirmed, and no plea to the juriſdiction of the court, granting the ſame to be admitted ſ 1 & 2 p 261
——bonds, when and how to be taken in evidence p 174
ADMINISTRATORS, (*ſee executors*)
ADULTERY, what ſhall be good defence of in ſuits for divorce ſ 4 p 196
——perſons divorced for, ſhall not marry the perſon with whom committed ſ 5 p 196
AGENTS, appointed to ſettle claims for unappropriated land p 270
ALIMONY, in what caſes allowed the wife ſ 9 p 197
APPEALS, from the judgment of county courts, how granted and proſecuted ſ 63 p 21 to ſ 69 p 22
——from the judgment of a ſingle juſtice ſ 54 p 18
APPEARANCE, plaintiff may enter defendant's, when returned to be in priſon ſ 13 p 6
APPRAIZERS, of ſtrays, their oath and duty ſ 1 p 217 ſ 1 p 269
——of property taken under execution ſ 3 p 253
ASSAULT & BATTERY, *See Actions.*
ASSEMBLY, compenſation to members, clerks and door keepers of p 87 111 152 171 221 318
——number of members of p 169
——private acts of may be given in evidence without ſpecially pleading them ſ 56 p 247
ATTACHMENT may iſſue againſt eſtate of defendant, where the ſheriff returns not to be found, and proceedings thereon ſ 17 p 7
——how obtained againſt eſtates of abſconding debtors ſ 19 p 8 ſ 55 p 18
——againſt the eſtate of foreigners ſ 21 p 8
——proceedings on ſ 22 23 24 & 25 p 8
——for ſums above the juriſdiction of a ſingle juſtice may be levied by a conſtable p 199
ATTORNIES at law, on what conditions admitted to practice ſ 1 p 164
——oath of ſ 4 p 4
——fees of ſ 5 p 78
——more than one may appear in a ſuit ſ 1 p 164
ATTORNIES general, what number, their ſalary, and duty p 79
——number of reduced to one, his duty and compenſation p 268
——compenſation to for certain ſervices p 220 221

——penalty on for preferring indictments without a proſecutor marked thereon ſ 2 p 266

B.

BAIL in what civil cauſes demanded ſ 11 p 6
——in what caſes deemed ſpecial and proceedings againſt ſ 14 16 p 6 7
——when and how may ſurrender principal ſ 14 p 6
——bond to be aſſigned p 6
——in what caſes demandable on execution of warrants ſ 2 p 248
——parties in ejectments to give p 252
——how may recover of principal, money paid on account of judgment recovered againſt ſ 4 p 255
BEEF, *See Pork.*
BILLIARD Tables, fine reſpecting p 270
BONDS, *See Obligations.*
BOUNDARY LINE, *See Virginia.*
BRIDGE Toll, James Guthrie authoriſed to build over Lick creek p 144
BUTTER, *See Lard.*
BUZBY THOMAS, divorced from his wife Mary ſ 11 p 197

C.

CALDWELL DAVID divorced from his wife Elizabeth p 143
CARTER ELIZABETH, authoriſed to ſell certain Lands p 315
CAVALRY, *See Militia.*
CENSUS, when and how to be taken p 51 147
CERTIORARI, writs of to remove proceedings of a juſtice of the peace into the county court, how obtained ſ 4 p 249
CHISHOLM JOHN, divorced from his wife Patty ſ 11 p 197
CLERKS of the ſuperior courts, their fees, *See Fees.*
——to give bond and take the oath of office ſ 2 & 3 p 4
——to account for and pay fines ſ 70 p 23
——where to keep their offices ſ 72 p 23
——in caſe of death his deputy to act ſ 72 p 23
——to put up a fee bill in ſome public place ſ 2 p 27
——to account with the ſtate treaſurer for certain taxes p 201
Of Mero Diſtrict, to receive and keep copies of the books of the Military land office, his oath, duty & compenſation ſ 2 p 231
Of Court of Equity, fees of, *See Fees.*
——to collect and account for certain taxes with ſtate treaſurer and penalty for neglecting p 201
Of County Courts, their fees, *See Fees.*
——to give bond; and their duty ſ 49 50 p 17
——to account for and pay fines ſ 70 p 23
——in caſe of death, deputy to act ſ 72 p 23
——to put up fee bill in ſome public place ſ 2 p 27
——to record and make out tax liſts ſ 6 p 30
——to record collector's bond, and tranſmit it together with a copy of tax liſts to the treaſurer ſ 3 p 32
——to collect and account for certain taxes with the ſtate treaſurer, and penalty for neglecting p 201
——may be removed by courts for miſbehaviour p 256
COLLECTOR of taxes allowance to ſ 1 p 3[illegible]
——his oath ſ 4 p 32
——penalty on for miſbehaviour ſ 5 p 32

——mode of ſettling with for county taxes p 130
——to be appointed by county courts in certain caſes p 251
COLLEGES, Blount, eſtabliſhed, and truſtees appointed p 43
——Greeneville, eſtabliſhed and truſtees appointed p 44
——Waſhington eſtabliſhed and truſtees appointed p 63
——Davidſon Academy, truſtees of appointed p 72
COMMISSIONERS *See Documents.*
CONTRACTS, what not binding unleſs written & ſigned ſ 1 p 262
CONVENTION, in what caſe and how to be convened p 53
——ſalary of the members, how appropriated p 87
CONVEYANCES, *See Grants.*
CONWAY HENRY, compenſation allowed to 220 317
CONSTABLES, their fees *See Fees.*
——to attend county courts p 67
——in what caſes authoriſed to demand ſecurity ſ 3 p 178
——may levy attachments for ſums above juriſdiction of a juſtice p 199
——method of proceeding againſt for money received by them ſ 5 p 249
COSTS, to whom allowed ſ 74 p 23
——in ſuits for divorce to whom to be awarded ſ 8 p 197
——law of not to be interpreted as penal laws ſ 65 p 247
COTTON, who inſpectors of—their oath, bond & duty ſ 18 p 238
——penalty for miſbehaviour ibid.
——how to be marked and penalty for falſe marking ſ 18 19 p 238
COURTS, part of the act eſtabliſhing courts of law &c. repealed ſ 77 p 24
SUPERIOR COURTS, when and where to be held ſ 1 p 3
——judges of how appointed ſ 1 p 3 p 69
——juriſdiction of ſ 1 p 3 ſ 6 p 5
——their oath and qualification ſ 2 & 3 p 69
——their ſalary ſ 4 p 70 p 265
——penalty on them for failing to attend courts ſ 2 p 265
——to hold ſpecial courts when commiſſioned by the governor p 14 263
——cauſes in, not diſcontinued by non attendance of the judges ſ 8 p 5
——rules to be obſerved in proſecution of ſuits in ſ 26 p 10
——in taking teſtimony of witneſſes ſ 28 p 11
——writs of error how obtained and proceedings thereon ſ 37 p 13
——time of holding certain courts altered p 36 p 123
——may ſit fifteen days ſ 2 p 36
——how long grand jurors of ſhall attend ſ 1 p 67
COURTS OF EQUITY not to have juriſdiction of demands for leſs than fifty dollars ſ 1 p 240
——may ſubject the property of perſons reſiding out of this ſtate to the payment of debts contracted in other ſtates on certain conditions ſ 2 p 240
——may iſſue attachments at law ſ 3 p 240
——proceedings in againſt non reſident defendants ſ 4 & 5 p 241
——rules to be obſerved in proſecution of ſuits in ſ 6 p 241
——mode of proof in, & in what caſes depoſitions *de bene eſſe* may be taken ſ 31 p 244 ſ 39 p 245
——iſſues of fact how made up and when tried ſ 36 & 40 p 244 & 245
——when cauſes may be ſet for hearing ſ 37 244
——proceedings of to be recorded and ſigned by judges p 245
——in cauſes where the title of lands ſhall come in queſtion, the judges to enter reaſons for decree on record, & no decree to be made with-

out the concurrence of two judges p 246
——may make further rules ſ 51 p 246
——proceedings on bills of review & when may be brought ſ 53 p 246
COUNTY COURTS time of holding in Waſhington diſtrict, *See acts ord.*
——may be adjourned from day to day for ſix days ſ 42 p 15
——one juſtice may adjourn for three days ſ 43 p 15
——cauſes in, not diſcontinued by non-attendance of juſtices ſ 44 p 15
——juriſdiction of, and right of appeal from ſ 45 to 48 p 15 16
——rules to be obſerved in proſecution of ſuits in ſ 60 p 20
——authoriſed to lay a tax ſ 1 p 37 120
——mode of election of officers by p 109
——to give certified copy of adminiſtration bonds p 174
——to lay a poor tax p 121
——to appoint juſtices to receive liſts of taxables ſ 1 p 250
——to appoint collector of taxes p 251
——to appoint valuers p 253
——may remove their clerks for miſbehaviour p 256
——to appoint commiſſioners to ſettle with collectors of tax p 130
COUNTIES—*Anderſon* eſtabliſhed p 274
court of when and where to be held ſ 11 p 276
Blount erected p 63
courts of when and where to be held ibid.
line between Sevier and p 106
bounds of extended p 165 289
fairs to be held in p 95
Carter erected p 100
court of when and where to be held p 101 p 123
how many jurors to furniſh to ſuperior court p 102
part of the inhabitants of, to hold ſeparate muſters p 127
authoriſed to lay additional county tax p 293
Claiborne erected p 279
court of when and where to be held ſ 8 p 280
Cocke erected p 124
court of when and where to be held ſ 6 p 125
how many jurors to furniſh to ſuperior courts p 126
part of Greene added to p 168
court of authoriſed to open a certain road p 207
to lay an additional county tax p 294
to run the line between Greene and p 290
inhabitants of where to hold muſters p 312
Davidſon, bounds of extended p 167 270
nine juſtices of may lay and appropriate county tax p 203
commiſſioners appointed for building a court houſe p 204 296
eaſtern line of eſtabliſhed p 291
Grainger erected p 95
court of when and where to be held p 96 123
line between Hawkins and p 130
bounds of extended p 172
to lay an additional county tax p 292
Greene court of to lay an additional county tax p 294
part of added to Cocke p 168
line between and Hawkins to be run p 291
courts of when to be held p 36 123
fairs to be held in p 133

- *Hawkins*, juſtices of to lay additional county tax p 40
  - line of to be run, and how p 42
  - act for laying county tax, repealed as to p 167
  - line between and Grainger to be run p 290
    - and Greene, to be run p 291
- *Jackſon* erected p 282
  - court of when and where to be held ibid.
  - bounds of declared p 270
- *Jefferſon* erected, *See Acts and Ordinances*
  - place of holding court removed, ibid.
  - divided p 38
  - line between and Sevier p 68 105
  - courts when to be held p 36 123
- *Knox* erected *See Acts & Ordinances*,
  - bounds of extended p 172
  - part of Grainger annexed to p 281
  - court of to lay additional county tax p 293
    - when to be held p 36 123
  - fairs to be held in p 133
- *Montgomery* erected p 99
  - court of when and where to be held ſ 9 p 100
  - to pay part of the debt of Tenneſſee county p 132
  - part of annexed to Robertſon p 190
  - inhabitants of to hold ſeparate muſters p 313
  - how many jurors to furniſh to ſuperior court p 100
- *Roane* erected p 274
  - court of when and where to be held ſ 17 p 277
- *Robertſon* erected p 99
  - courts of when and where to be held p 100
  - how many jurors to furniſh to ſuperior court p 100
  - to pay part of the debts of Tenneſſee county p 132
  - part of Montgomery annexed to p 190
  - bounds of extended p 270
- *Sevier* erected p 38
  - court of when and where to be held ſ 3 p 38 123
    - to lay additional county tax p 294
- *Smith* erected p 179
  - bounds of extended p 270
  - court of when and where to be held p 181
- *Sullivan* court of when and where to be held p 36 123
  - fairs to be held p 170
- *Sumner* part of laid off in townſhips p 142
  - bounds of extended p 167
- *Waſhington* line between and Sullivan aſcertained p 128
  - line between and Greene p 290
  - court of to lay additional county tax p 195 293
  - perſons appointed to ſettle with commiſſioners of p 206 295
  - court of when to be held *See Acts & Ord.* p 36
- *Williamſon* erected p 182 296
  - court of when and where to be held ſ 6 p 183
  - bounds of extended p 270
- *Wilſon* erected p 179
  - bounds of extended p 270

part of annexed to Smith p 281
line between and Davidſon to be run and marked p 291
court of when and where to be held p 181
COUNTY SOLICITORS their duties ſ 51 p 17
——pen. on for preferring bills without a proſecutor marked ſ 2 p 266
COUNTY TRUSTEES, their duty p 86 122 131 185
——to call to account holders of military fines ſ 9 10 11 p 131
CRIMES perſons reſtored to citizenſhip, after being convicted of p 147
CRIMINALS ſhall be allowed counſel and challenge of jurors ſ 71 p 23
CURRENCY in what, accounts ſhall be kept p 171 198 270

D.

DECLARATIONS where ſeveral counts in one is faluty and entire damages given, verdict ſhall be good ſ 63 p 247
——no exception to in ejectment after iſſue joined on the title ſ 60 p 247
DEBTORS, *See Securities.*
DEEDS, *See Grants*
DESCENTS real and perſonal eſtates to deſcend to half blood p 85
DETINUE omiſſions in verdict in, how remedied ſ 62 p 247
——if no verdict be found for part of the things, plaintiff barred as to them ſ 62 p 247
DISTRICTS, ſtate divided into ſ 1 p 3
Hamilton apportionment of jurors for p 39 61 62
Waſhington commiſſioners appointed to erect public buildings for p 40
——apportionment of jurors of
Mero relief to ſufferers by the deſtruction of records of p 89
——apportionment of jurors of p 208
DIVORCE for what cauſes allowed ſ 1 p 195 ſ 9 p 197
——method of obtaining ſ 2 p 195
——eſtates of perſons divorced how to be divided ſ 10 p 197
DOCUMENTS, governor to appoint a perſon to procure certain documents from the ſecretary of ſtate of the United States, of books of entries of Carter's office ſ 1 p 230
——to copy books of Martin Armſtrong's office ſ 2 p 231
——to go to N Carolina to procure certain documents ſ 4 231
——to copy books of Adair's and Harden's offices ſ 5 p 232
——holders of books, &c penalty for refuſing to deliver ſ 6 p 232
——perſons to be appointed to examine and compare books belonging to military land offices ſ 3 p 231
——perſons to be appointed to examine tranſcripts of Adair's and Harden's books ſ 7 p 232
——duty of ſecretary of ſtate in receiving documents ſ 8 p 232
——allowance to commiſſioners appointed to N. Carolina & duty p 233
——copies to be entered in bound books ſ 11 p 233
——appropriations to carry into effect the above proviſions ſ 12 p 233
DOLLARS & CENTS, *See Accounts, Currency.*
DUELLING penalty for attempting to fight, or carrying challenge ſ 1 p 267
——for accepting a challenge ſ 2 p 268
——for killing in a duel ſ 3 p 268
DONOHO WILLIAM releaſed from fine &c: p 316

E.

EJECTMENT after iſſue joined on the title, no exceptions to the declaration allowed ſ 60 p 247

——when verdict and judgment in may be plead in bar ſ 60 p 247
——plaintiffs and defendants in to give bail p 251
——no perſon to be admitted defendant in until he gives ſecurity for coſts p 252
ELECTIONS of governor and members of aſſembly p 79
——of repreſentatives in congreſs p 81 107 113 271 273
——of electors of Preſident of the United States p 83 109 211
——of militia officers p 83 ſ 8 p 225
——of officers of the county courts p 109
——penalty for diſturbing p 194
EMANCIPATION of John Saunders p 144
——of negro Bob p 317
——county courts may emancipate ſlaves p 264
ENTRY TAKER one appointed in each county, his duty p 174: ſ 7 p 229
——his oath and to give bond ſ 9 p 230
——how to make entries for himſelf ſ 6 p 229
——not to receive entry without the oath of the party applying p 229
——penalty on for miſbehaviour ſ 12 p 117
——vacancies in the office of how filled ſ 10 p 230
ENTRY OFFICE, *See lands.*
ENTRIES & LOCATIONS liable to execution, manner of ſelling p 35
ENUMERATION of the inhabitants of the S. W. Territory p 51
——of the free taxable inhabitants in this ſtate p 147
ERRORS, *See Writs of Error.*
EXECUTIONS by whom to be iſſued and to whom directed ſ 59 p 19
——ſtayed, when iſſued by a ſingle juſtice, how long and on what conditions ſ 1 p 178 ſ 1 p 248
——mode of ſelling lands under p 191 271
——officer levying to take bond for the delivery of the property at the day of ſale and proceedings in caſe of failure ſ 1 p 253
——property levied on to be valued in certain caſes, and proceedings if it will not ſell for two thirds of valuation ſ 3 p 253
EXECUTORS & ADMINISTRATORS in what caſes and how may convey lands of teſtator or inteſtate ſ 1 to 6 p 33 34
ESTATES, *See Deſcents.*
EVIDENCE private acts of aſſembly may be given in, without ſpecially pleading them ſ 56 p 247
——papers read in evidence, though not under ſeal, may be carried from the bar by the jury ſ 57 p 247
EQUITY Court of, *See Courts.*

F.

FAIRS eſtabliſhed in the county of Blount p 95
——in the county of Greene p 135
——in the county of Knox p 133
——in the county of Sullivan p 170
FEES of officers of court, how recovered ſ 75 p 23 78
of clerks and maſters in equity ſ 1 p 25 66
of clerks of ſuperior courts p 25 75
of clerks of county courts p 26 75 89
of ſheriffs p 27 77
of regiſters p 28 77
of attornies for the territory p 28 78
of juſtices of the peace ſ 5 p 28 ſ 3 p 249

of conſtables p 28 78 ſ 5 p 249
of commiſſioner of affidavits p 28 78
of rangers ſ 6 p 28 78 ſ 9 p 219
of coroners ſ 7 p 28 78
of attornies at law ſ 5 p 78
of ſecretary of ſtate *ſ 1 p 250 ſ 9 p 176 ſ 5 229 ſ 5 p 232
of entry takers ſ 9 p 176 ſ 7 p 229
of ſurveyors ſ 9 p 176
penalty on officers for taking more than legal ſ 9 p 28 78
of clerk of Mero, as keeper of the books of land office p 231
of inſpectors ſ 5 p 235 ſ 9 236 ſ 14 p 237
FELONY perſons convicted of reſtored to former rights p 147 165
———Benefit of clergy taken away from horſe ſtealing p 198
FERRIES, *See Roads.*
FINES & FORFEITURES how to be accounted for and paid p 58
———how to be appropriated p 86 220 239
———how recovered ſ 24 p 119 239
———may be remitted by county courts ſ 1 p 261
———perſons holding monies ariſing from *See Acts and Ord*
FLOUR & MEAL what merchantable, and how packed ſ 12 p 237
———how to be inſpected and marked ſ 14 p 237
———penalty for inſpecting condemned &c. ſ 14 p 237
———duty of ſeller of ſ 20 p 239 ſ 8 p 236
———places of inſpection of ſ 24 p 239
———penalty for exporting after 60 days from the time of inſpection, without a ſecond inſpection ſ 6 p 235
FRANKLIN GOVERNMENT, adminiſtrations under authority of confirmed p 261
FRAUDS & PERJURIES. *See Grants & Deeds.*

G.

GAMING obligations for payment of money and conveyance of land won at void ſ 1 p 186
———penalty for encouraging or playing at certain games p 186 270
———penalty on public houſe keepers for encouraging ſ 3 p 186
———money loſt at recoverable and how ſ 4 p 187
GOVERNOR where to reſide p 87
———his ſalary p 87
———authoriſed to tranſfer certain bonds p 173
———to fill vacancies in office of entry takers & ſurveyors ſ 10 p 230
——— authoriſed to procure copies of certain documents ſ 1 p 230
———to iſſue commiſſions to judges to hold ſpecial courts in certain caſes p 14 263
GRANTS, DEEDS, &c. further time allowed for proving & regiſtering ſ 1 p 48 ſ 4 p 111 150 258
———method of proving in certain caſes ſ 3 p 49 150
———method of collecting & accounting for tax on regiſtering of p 57
———how to be proved in another ſtate p 150 271
———iſſued by N. Carolina declared valid ſ 1 p 226
———to be iſſued by the governor ſ 3 p 226
———hereafter obtained from N. Carolina, not to be admitted as evidence in this ſtate ſ 7 p 227
------made to defraud creditors void ſ 2 p 262
———of goods, not on conſideration deemed valuable in law, in what caſes ſhall be deemed fraudulent

H.

HAMILTON JAMES allowed to keep a floating mill p 145
HAMILTON JOHN attorney general, compenſation to p 220
HEMP, inſpectors of, ſhall not be concerned in mercantile or rope making buſineſs, and their duty ſ 15 p 237
——of what deſcription merchantable, how to be marked, and certificate of inſpectors p 238
HORSE STEALING, felony without benefit of clergy p 198
HORSE RACING, *See Gaming.*
——law reſpecting, repealed, as far as reſpects fines p 270

I.

JACKSON ANDREW compenſation to p 221
JAILER. ſuperior and county courts to make allowance to, for certain ſervices p 270
——of Mero diſtrict compenſation to p 221
——to keep priſoners committed under the authority of the United States p 267
IDIOTS & LUNATICS, ſafe keeping of their perſons and properties provided for p 149
IDLE and diſorderly perſons, *See Vagrants.*
JEOFFAILS, what Britiſh ſtatutes of in force ſ 27 p 11
IMPRISONMENT, *See Actions.*
IMPROVEMENTS, value of in certain caſes to be recovered by the perſons making the ſame ſ 3 p 151 271
INDICTMENTS not to be preferred without a proſecutor marked thereon p 266
——for certain offences to be preferred in the county courts p 153
——for aſſaults and batteries committed ~~during the term of~~ the ſuperior courts, and in the town where held, cognizable by them p 199
INFANTRY company of eſtabliſhed at Naſhville p 314
INSPECTIONS, of tobacco p 148 209
——of cotton p 238
——of flour and meal p 233
——of beef and pork ibid.
——of butter and lard ibid.
——penalty on coopers for expoſing to ſale certain caſks or barrels without branding ſ 4 p 235
INSPECTORS duty of and penalty for miſbehaviour p 209 233 235
——how and by whom appointed ſ 1 233
——oath and tenure of office of ſ 1 p 233 235
——to give bond ſ 1 p 233
——in ſuits againſt, if verdict and judgment be for them, in certain caſes, to recover double coſts ſ 1 p 234
——how removed for miſbehaviour, and vacancies how filled ſ 2 p 234
——aſſiſtants to, how appointed and their duty ſ 2 p 234
——to brand and mark inſpected articles, and provide ſcales ſ 3 p 234
——penalty on for branding contrary to law, and for lending his brand ſ 3 p 234
——penalty for counterfeiting brand of ſ 3 p 234
——fees of ſ 5 p 235 ſ 9 p 236 ſ 14 p 237
——may ſearch for unmarked caſks and penalty for exporting the ſame ſ 10 p 236

——who eligible to the office of and how diſqualified ſ 21 p 239
—— penalty on for purchaſing culling ſ 23 p 239
INTESTATES, *See Adminiſtrations.*
JOINT TENANTS, *See partitions.*
JUDGES *See Courts*
JUDGMENTS to be renderd in dollars and cents p 171
JUDGMENT bonds, *See Obligations.*
JURORS of Hamilton diſtrict apportioned p 124
——of Mero diſtrict apportioned p 208
——time of attendance of limitted in ſuperior courts p 67
——apportioned, *See Acts and Ordinances.*
JURISDICTION concurrent, given to ſuperior courts, in actions of aſſaults and batteries p 199
—— of juſtices, *See Juſtices of the Peace.*
JUSTICES of the PEACE, oath of and penalty for acting without qualifying ſ 41 p 14
——juriſdiction of ſ 52 p 17 ſ 1 p 178 ſ 1 p 248
——to receive tax liſts ſ 3 p 29 31 115
——penalty for failing to receive and return tax liſts p 116 250
——not to vote in their own election p 209
——when to qualify, and not to act out of their county p 213
——appeals from judgment of how proſecuted ſ 54 p 18
——may direct the clerk of the county court to iſſue ſubpœnas in certain caſes ſ 31 p 12
—— may iſſue dedimus to take teſtimony in trials before them ſ 53 p 17
——may iſſue attachments, and try them in a ſummary way in all matters cognizable before them ſ 56 p 18
——may direct clerks iſſue writs of certiorari p 249
——duty reſpecting ſtrays p 269
——to iſſue warrants againſt perſons who have no apparent means of ſubſiſtence, and method of proceeding ſ 1 p 259
——may grant certificates to perſons of ill fame, and power of, to commit ſuch perſons for want of certificate ſ 2 p 260
——may apprehend keepers of A B C, E O or farro tables ſ 3 260
——may apprehend perſons going privately armed ſ 6 p 260

L.

LACY HOPKINS, allowance to as attorney general p 220
LAND, miſtakes in ſurveys of how remedied p 88 254
——ceded by treaty of Tellico, ſubject to taxation p 166 173
——offices for receiving entries of, eſtabliſhed p 174
——how to be entered ſ 2 p 174
——diſputes concerning entries of how decided ſ 5 p 175
——ſurveys of, how to be made and returned ſ 7 p 175 ſ 2 p 228
——mode of obtaining partition of ſ 1 p 189
——manner of ſelling under execution p 191 271
——boundaries of how aſcertained p 216 259
——entries of ſuſpended p 209 271
——entries of under the authority of N. Carolina valid ſ 1 p 226
——certain lands not liable to entry ſ 5 p 226 ſ 6 p 227
——titles for ſouth of French Broad, Holſton, Pigeon and Tenneſſee, how and by whom to be obtained ſ 6 p 227
——penalty for entering or ſurveying under the authority of North Carolina ſ 7 p 227

——deficiency in quantity of in certain caſes, how to be remedied ſ 4 p 229

LAND OFFICE, copy of the entry books of Waſhington county to be obtained, and where to be depoſited ſ 1 p 230

——copies of the books of the military land office to be obtained, and where to be depoſited ſ 2 p 231

——certain papers and records reſpecting to be procured from North Carolina ſ 4 p 231

——books of Adair's and Harden's offices to be copied and where to be depoſited ſ 5 p 232

——books of entry of the counties of Waſhington, Sullivan and Greene to be delivered to the governor, & penalty for refuſing ſ 6 p 232

——compenſation to perſons for copying books of ſ 10 p 233

LAND WARRANTS iſſued by N. C. declared valid ſ 1 p 226

——where may be laid, and grants on how obtained ſ 2 p 226

——how to be iſſued by the ſecretary to perſons who have grants for lands, before appropriated ſ 3 p 226

——liable to be taken in execution p 35

LARD and BUTTER not to be exported after 60 days from the time of inſpection, without a ſecond inſpection, & penalty ſ 6 235

LOANS of goods, in what caſes the abſolute right of deemed to be with the poſſeſſion ſ 2 p 265

LUNATICS, *See Idiots.*

M.

MAIMING & DISFIGURING felony ſ 7 p 261

MARRIAGE LICENCE, tax on repealed p 35

M'COWN JAMES property of veſted in certain perſons p 145 165

METHODISTS, meeting houſe in Naſhville, to be conveyed to the ſociety of p 98 132

MILLS, *See Hamilton James.*

MILITARY FINES, *See County Truſtees.*

MILITIA, relief of wounded, diſabled, widows & orphans of p 68 49 88
cavalry of Hamilton diſtrict formed into a ſeparate regiment p 50
one company of cavalry to be raiſed in each regt. of infantry p 209
certain volunteer companies of cavalry annexed to the regiments of their reſpective diſtricts ſ 9 p 225
regiments of cavalry in certain counties eſtabliſhed p 214
Davidſon county divided into two regiments p 154 215
act of N. Carolina reſpecting repealed p 155
of what deſcription of citizens compoſed, & who exempted ſ 2 p 155
how organized ſ 3 p 155
duty of commanding officers of companies ſ 6 p 155 ſ 10 & 12 p 157
of regiments ſ 7 p 156 ſ 12 p 157 ſ 21 p 160
regimental and company muſters when to be held ſ 7 p 156 ſ 9 p 157
arms & uniform of privates & officers ſ 7 p 156 ſ 10 p 225
time of attendance at muſters, and duty of adjutants ſ 8 p 156 ſ 1 p 223
penalty for failing to attend muſters, and how recovered ſ 11 p 157
duty of brigadier general ſ 12 p 157 ſ 2 p 223
major general ſ 12 p 157
regimental courts martial, when and where to be held, and their power ſ 13 & 14 p 158 ſ 19 p 160 ſ 23 p 161
fines and forfeitures, how to be appropriated ſ 15 p 159
mode of trial of major general, brigadier general, &c. ſ 16 p 159

judge advocate, how appointed, & his duty ſ 17 p 159 ſ 1 p 223 ſ 4 224
—— his oath, and that of members of the court martial ſ 18 p 159
offences puniſhable by courts martial ſ 19 p 160 ſ 33 p 163
regiments to be divided into battalions ſ 1 p 223
battalion muſters & courts martial when & where held ſ 1 p 223
regimental muſters when and where to be held ſ 2 p 223
company muſters, when and where to be held ſ 3 p 224
—— courts martial, their power and duty ibid.
mode of proceeding againſt arreſted officers ſ 7 p 225
when and how far priveleged from arreſt ſ 22 p 160
commiſſions of officers, by what acts forfeited ſ 23 p 161
conteſted elections in, how to be determined ſ 24 p 161
when and by whom to be called into ſervice ſ 26 p 162
penalty for failing to appear when called into actual ſervice ſ 27 p 162
in what caſes ſubſtitutes ſhall be accepted ſ 28 p 163
not compellable to ſerve longer than three months ſ 20 p 163
certain fines, how appropriated ſ 30 p 163
inhabitants of Sullivan county to hold ſeparate muſters p 3 1
how officers ſhall rank ſ 32 p 163
penalty for voting when not entitled ſ 34 p 163
quakers, &c. not to be fined for not attending muſters, but liable to be called into ſervice ſ 35 p 164
inhabitants of Grainger county to hold ſeparate muſters p 193
inhabitants of Knox county to hold ſeparate muſters p 194
inhabitants of Hawkins county to hold ſeparate muſters p 198
—— Jefferſon county to hold ſeparate muſters p 199 312
returns of ſtrength of, how & by whom to be made ſ 12 p 157 ſ 5 p 224
officers of, how to be trained ſ 6 p 225
MORTGAGES, when and how may be proved & regiſtered ſ 2 p 151
MULATOES, INDIANS, &c. in what caſes, witneſſes ſ 32 p 13
MUSTERS, *See Militia.*

N.

NAVIGATION, *See Rivers.*
NEW TRIALS, not more than two allowed ſ 59 p 247
NOBLE MARK divorced from his wife ſ 11 p 197
NOLICHUCKY River, company eſtabliſhed for opening p 297
NON EST FACTUM, no plea of to be received but on oath ſ 55 p 247
NON SUIT plaintiff barred from ſuffering, after the jury have retired ſ 58 p 247
NORFLET JAMES releaſed from fine & forfeited recognizance p 144
N. CAROLINA, governor to appoint a commiſſioner to procure certain documents from, and for other purpoſes ſ 4 p 231
—— commiſſioner to, his duty and compenſation ſ 9 p 233

O.

OBLIGATIONS, governor to transfer certain p 173
—— aſſignees of, may bring ſuits in their own name ſ 54 p 247
—— judgments on how to be entered ſ 66 p 247
—— ſecurities to, and their executors or adminiſtrators in certain caſes, may require their creditors to bring ſuit, & effect thereof ſ 1 p 257
—— aſſignors of, & their repreſentatives, may require aſſignee to bring ſuit againſt obligor, and effect thereof ſ 3 p 257
—— judgment bonds valid, method of proceeding therein p 258
OYER & TERMINER, *See Superior Courts.*

INDEX.

P.

PARTITION of lands held in common &c. how may be obtained p 189
PETITIONS and MEMORIALS for diviſion of counties and fixing court houſes, how to be preferred p 85
POOR, how to be provided for p 121
POSSESSION, for 7 years when a bar to all other claims ſ 4 p 151
PRE-EMPTION who entitled to ſ 4 p 175 ſ 13 p 177 ſ 5 p 226 227
PRESENTMENT, *See Indictment.*
PRISONERS, allowances for removing and keeping of p 200
PRISONS & STOCKS, county courts authoriſed to lay a tax for building and repairing ſ 1 p 37
——lottery authoriſed for building of in Naſhville p 47
—— fines & forfeitures appropriated for building of in Naſhville p 220
PROBATES of deeds and conveyances of land ſ 2 p 151
PROCESS from the ſuperior court to be marked, &c. ſ 9 p 5
——when returnable ſ 10 p 5
——to be iſſued when the ſheriff returns *non eſt inventus* ſ 17 p 7 ſ 59 p 19
——from county courts how iſſued & when returnable ſ 57 p 18
PUBLIC PRINTER, appointment and duty of p 42
——allowance to p 88
PUBLIC WORSHIP, diſturbers of how puniſhed p 269

Q

QUAKERS, how to give teſtimony ſ 32 p 12
——not to be fined for not attending muſters, but liable to be called into actual ſervice ſ 35 p 164

R.

RANGERS to hold their offices during good behaviour, and their duty ſ 1 p 217
RECOGNIZANCE, *See County Courts.*
RECORDS, loſs of p 89
REGISTER to collect and account for certain taxes p 201
RELEASE of errors, judgment on confeſſion equal to ſ 64 p 247
RENFRO ROBERT emancipated p 318
REVENUE, *See Taxes*
RIVERS—Red river, navigation of declared to be open and free, and penalty for obſtructing p 92 300
Holſton, Nolichucky, French Broad, Clinch, L. Pigeon, B. Pigeon, and Powel's, to remain open penalty for obſtructing p 204
Nolichucky, proviſion for improving the navigation of p 297
Stone's and Little rivers, penalty for obſtructing p 300
ROADS & FERRIES county courts authoriſed to eſtabliſh or diſcontinue p 208
——lottery authoriſed for cutting of, from S. W. Point to Cumberland river p 46
——money appropriated for cutting of p 59
——method of viewing and laying out p 91
——from Bean's Station to Sycamore, &c. p 304
When and to whom ferries ſhall be free p 92 160
——damages occaſioned by laying out road, how aſcertained p 92
——who ſhall work on ſ 5 p 92
——from Hamilton to Mero, turnpike p 303
Keepers of ferries to keep the banks in good repair, and penalty for failing ſ 6 p 92

——preſident requeſted to have a certain road opened p 188
——court of Cocke county authoriſed to open a certain road p 207
——from Roane's creek to N Carolina line p 300
Owners of ferries not compelled to take tavern licence p 255
——court of Sevier county authoriſed to open a certain road p 301
ROANE ARCHIBALD, compenſation to p 221
ROWAN DANIEL commiſſioners appointed to ſettle with p 165
RUTHERFORD GRIFFITH releaſed from fine &c. p 316
RUTHERFORD THOMAS, compenſation to p 221

S.

SALT LICKS & SPRINGS, commiſſioners appointed to receive money due from, and appropriate to opening a road p 59
SALT PETRE CAVES, owners of to encloſe them ſ 1 p 153
SAUNDERS JOHN emancipated p 144
SCIRE FACIAS what ſhall be deemed a good execution of ſ 2 p 253
SAPPINGTON name of Lucas altered to p 316
SEAL governor to provide a p 71
——— ſcroll equal to ſ 6 p 247
——— papers not under may be carried from bar by jury ſ 57 p 247
SEARCY name of Chapman altered to p 316
SEAT of goverment reſolution reſpecting p 320
SECRETARY of STATE to give bond and take oaths of office p 70
———duty of p 71
———ſalary of p 72
———to make out grants for lands ſ 8 p 176
———when to affix ſeal ſ 54 p 7
———fees of, *See Fees.*
———to receive and keep certain books of entry and his duty reſpecting them ſ 1 p 230 ſ 4 p 231 ſ 5 p 232 ſ 8 p 232
SECURITIES for ſtay of execution, proceedings againſt ſ 1 p 248
—for appearance before a juſtice, how proceeded againſt ſ 2 p 248
—proceedings by againſt principal, for money paid by them ſ 1 p 254
—where judgment againſt two, execution may iſſue againſt each for proportionable part 2 p 255
—not to confeſs judgment if principal will tender good collateral ſecurity ſ 3 p 255
—in what caſes may require creditors to bring ſuits on bonds, &c to which they are ſecurities, and effect thereof ſ 1 p 257
SHERIFFS fees, *See Fees.*
——to mark on each proceſs the day when received ſ 9 p 5
——when and how to take bail ſ 11 p 6 ſ 58 p 19
——penalty for neglecting to take bail, or taking inſufficient ibid
——to aſſign bail bond, and penalty for neglecting ſ 12 p 6
——ſecurities of may collect taxes in caſe of death of ſ 7 p 33
——may convey lands ſold under execution ſ 7 p 35
——who bound to attend ſuperior courts p 213
——to give bond for the collection of taxes p 252
SLANDER, *See Actions.*
SLAVES killing of murder p 187
—penalty for trading with, enticing away or harboring p 200
for producing a forged paſs ibid.
SQUIRRELS, CROWS & WOLVES, act for deſtruction of p 120
STABBING, felony without benefit of clergy ſ 7 p 261

SURVEYORS duty of penalty for neglect ſ 7 p 175 ſ 2 & 3 p 228
——fees of ſ 9 p 176 ſ 2 p 228
——penalty on for miſbehaviour ſ 12 p 177
——to be appointed in each county, and how ſ 4 p 226 ſ 1 p 228
——may appoint deputies ſ 8 p 230
SUPERCEDEAS clerks of county courts to iſſue p 249
STRAYS duty of taker up of ſ 2 p 217 269
—not proved by owner in 12 months, property of in whom veſted p 218
—appraized value of to whom paid and how recovered ſ 5 p 218 269
—former owner of to receive the money paid &c. ſ 6 p 219
—taker up of, not anſwerable for accidents to ſ 7 p 219
—penalty for taking up or uſing other than by law directed ſ 8 p 219
—pound to be erected for ſafe keeping of ſ 11 p 219
—perſons holding land by occupancy may take up ſ 12 p 219
—penalty on taker up of, for removing or diſpoſing of 12 p 269
SUPERIOR COURTS, *See Courts.*

T

TAXES, AND TAXABLE PROPERTY, county courts authoriſed to levy *See Acts and Ordinances.*
What property taxable ſ 1 p 29 54 114
amount of tax on ſ 2 p 29 54 114
Method of taking tax liſts ſ 4 p 29 30 54 114 ſ 2 p 132 ſ 1 p 250
Penalty for failing to return tax liſts ſ 7 p 30 55 73 166 250 251
Taxes how to be collected and accounted for ſ 1 p 31 73 117 193
how to be recovered from the ſheriff ſ 6 p 32
juſtices authoriſed to lay additional county tax p 109 120
of certain counties to lay for certain purpoſes p 164
county courts may lay for ſupport of poor p 121
mode of ſettling with collector of county tax p 130 185
Certain lands ſubjected to taxation p 168 173
County courts to exempt certain perſons from payment of tax p 184
Taxes on legal proceedings and regiſtration of deeds, &c. p 201
mode of advertiſing and ſelling lands for p 250
TENANTS IN COMMON, *See Partition.*
TENNESSEE COUNTY, debts of how to be ſettled p 132
TESTIMONY mode of perpetuating ſ 1 p 216 259
—— perſons reſiding in this ſtate, compelled to give teſtimony in caſes depending in courts of the U. States ſ 1 p 56
TOWNS—*Bledſoeborough* eſtabliſhed, commiſſioners appointed, their power and duty p 142
Blountſville eſtabliſhed, commiſſioners appointed, &c. p 64
Burrville eſtabliſhed p 275
Ca Ira, commiſſioners of appointed and their duty p 93 138
Clarkeſville commiſſioners of appointed p 67 95
enlarged p 136
Dandridge eſtabliſhed, &c. p 206
Elizabethton eſtabliſhed and commiſſioners appointed p 184
Franklin eſtabliſhed and commiſſioners appointed p 203
Gallatin eſtabliſhed p 287
Grantſborough eſtabliſhed and commiſſioners appointed p 166 309
Greeneville commiſſioners of appointed and their duty p 65 143
Hayſborough eſtabliſhed and commiſſioners appointed p 205
Joneſborough, commiſſioners of appointed ſ 45 p 41 ſ 1--14 p 102 137

Kingſton eſtabliſhed and commiſſioners appointed p 165
Knoxville eſtabliſhed and commiſſioners appointed ſ 1 & 2 p 39
their duty and powers ſ 3 p 40 134 170 305
Lebanon eſtabliſhed p 285
Leeſburgh eſtabliſhed and commiſſioners appointed p 167
Maryville eſtabliſhed, fairs to be held in, &c, p 60 94 95 169 310
Middletown eſtabliſhed and commiſſioners appointed p 138
Naſhville additional truſtees of appointed and their duty p 97 306 308
volunteer company of infantry in. authoriſed p 314
Nelſonville eſtabliſhed and commiſſioners appointed p 137
Newport eſtabliſhed and commiſſioners appointed p 203
Peggieſville eſtabliſhed p 309
Palmyra eſtabliſhed and commiſſioners appointed p 93 137
Port Royal eſtabliſhed and commiſſioners appointed p 135
Rutledge eſtabliſhed and commiſſioners appointed p 129 200 308
Rutherford eſtabliſhed and commiſſioners appointed p 180
Sevierville eſtabliſhed, duty of commiſſioners p 62 169
Smithfield eſtabliſhed p 282
Springfield eſtabliſhed p 102 166
Tazewell eſtabliſhed p 279
Wayneſborough eſtabliſhed and commiſſioners appointed p 141
TREASURERS, two to be appointed ſ 1 p 36 74
——penalty for failing to call delinquents to account ſ 8 p 33
——duty and ſalary of, and to give bond ſ 2 3 4 p 37 74
——appointed for each county, and duty of p 131 185 186 122
TULLOCH THOMAS truſtees of eſtate of appointed their duty p 214

U.

VAGRANTS AND IDLE AND DISORDERLY PERSONS who ſhall be deemed ſuch, how to be treated ſ 1 p 259 ſ 2 & 3 p 260
——penalty for harboring and how to be recovered ſ 4 p 260
——for going armed or carrying privately certain weapons ſ 6 p 260
——on juſtices refuſing or neglecting to iſſue warrants againſt ſ 5 p 260
VIRGINIA, governor to appoint commiſſioners to ſettle and deſignate the boundary line between and this ſtate, &c. p 265
UNITED STATES, perſons committed under authority of, to be kept ſafely in the jail of this ſtate p 267
——agents appointed to ſettle diſpute with them reſpecting the vacant land in this ſtate p 270

W.

WARRANTS for ſums above 10 doll. ſum to be inſerted in ſ 2 178
——in what caſes ſecurity required on execution of ſ 3 p 178 248
——proceedings on before a ſingle juſtice p 248
WITNESSES, penalty for failing to attend ſ 29 p 11 ſ 33 p 13
——allowance for attendance of ſ 35 p 13 ſ 76 p 24
——depoſitions of, when and how to be taken ſ 30 & 31 p 12
——penalty for failing to give teſtimony ſ 32 p 12.
——privileged from arreſt during attendance ſ 34 p 13
——clerks to take probate and certify their tickets ſ 36 p 13
——reſiding in this territory how compelled to give teſtimony in cauſes depending in any of the United States ſ 1 p 56
WRITS OF ERROR how obtained ſ 65 p 21 ſ 67 68 69 p 22
——not to be granted after 2 years from rendering judgment p 190